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<b>Veto Session:</b>					
1 - 7	<a href="#">Day 1 - 9/13/00</a>	8 - 9	<a href="#">Day 2 - 9/14/00</a>		

**JOURNAL OF THE SENATE**  
**NINETIETH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**SECOND REGULAR SESSION**

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**FIRST DAY--WEDNESDAY, JANUARY 5, 2000**

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The Senate was called to order at 12:00 noon by Lieutenant Governor Roger Wilson.

The Reverend Carl G. Gauck offered the following prayer:

Gracious and Heavenly Father: We come to You this day beginning another new session, eager to work and desiring Your guidance. As we approach a new Millennium, we end one of the bloodiest centuries of man's inhumanity to man. Help us to find avenues of peaceful interactions among the people of this state; guide us in passing laws that promote justice and assist those in need. And help each of us to find and walk the path of Your righteousness as we seek to serve You in this place. And we would ask that You comfort the family of Rex Adams as they begin their time of mourning. All this we ask in Your Holy Name. Amen.

Senator DePasco announced that photographers from KOLR-TV, Springfield, KSDK-TV, St. Louis, St. Louis Post-Dispatch, KRCG-TV, Associated Press and the News Tribune had been given permission to take pictures in the Senate Chamber and the Senate photographer had been given permission to take video and use flash in the Senate Chamber and the Senate Gallery today.

**RESOLUTIONS**

Senator DePasco offered the following resolution, which was read:

SENATE RESOLUTION NO. 1001

BE IT RESOLVED, by the Senate of the Ninetieth General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninetieth General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninetieth General Assembly, Second Regular Session.

Senator DePasco moved that the above resolution be adopted, which motion prevailed.

**MESSAGES FROM THE**  
**SECRETARY OF STATE**

The President laid before the Senate the following communications from the Secretary of State, which were read:

**To the Honorable Senate of the 90th General Assembly, Second Regular Session, of the State of Missouri:**

In compliance with Section 115.525, Revised Statutes of Missouri 1994, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 90th General Assembly (Second Regular Session) of the State of Missouri, elected at the General Election held in 1996; also a list of the names of the Senators elected at the General Election and Special Election held in 1998.

**IN TESTIMONY WHEREOF**, I hereunto set my hand and affix the official seal of my office this 3rd day of January, 2000.

/s/ **Rebecca McDowell Cook**

(Seal) **SECRETARY OF STATE**

**MISSOURI STATE SENATORS**

**ELECTED NOVEMBER 5, 1996**\_\_\_\_\_

**District Name**

\_\_\_\_\_

- 1st Anita T. Yeckel
- 3rd John E. Scott
- 5th (Vacancy due to resignation of J. B. (Jet) Banks)
- 7th Francis E. Flotron, Jr.
- 9th Mary Groves Bland\*
- 11th Ronnie DePasco
- 13th Wayne Goode
- 15th Walt Mueller
- 17th Edward E. Quick
- 19th Ken Jacob
- 21st James L. (Jim) Mathewson
- 23rd Steve Ehlmann
- 25th Jerry T. Howard
- 27th Peter Kinder
- 29th Doyle Childers
- 31st Harold L. Caskey
- 33rd John T. Russell

\* Elected at Special Election held December 8, 1998 to fill vacancy created by resignation of Phil B. Curls, Sr.

MISSOURI STATE SENATORS  
ELECTED NOVEMBER 3, 1998

District Name

2nd Ted House

4th Wm. (Lacy) Clay, Jr.

6th Larry Rohrbach

8th Bill Kenney

10th Harry Wiggins

12th Sam Graves

14th John Schneider

16th Sarah Steelman

18th Joe Maxwell

20th Danny Staples

22nd Steve Stoll

24th Betty Sims

26th David J. Klarich

28th Morris Westfall

30th Roseann Bentley

32nd Marvin Singleton

34th Sidney Johnson

On roll call the following Senators were present:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider

Scott  
Steelman  
Yeckel--33

Sims  
Stoll

Singleton  
Westfall

Staples  
Wiggins

Absent with leave--Senators--None  
Vacancies--1  
The Lieutenant Governor was present.

## RESOLUTIONS

Senator DePasco offered the following resolution, which was read:

### SENATE RESOLUTION NO. 1002

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninetieth General Assembly is duly convened and is now in session and ready for consideration of business.

Senator DePasco moved that the above resolution be adopted, which motion prevailed.

President Pro Tem Quick assumed the dais and addressed the body.

Senate President Pro Tem Edward E. Quick

Opening Address - January 5, 2000

Second Regular Session

90th Missouri General Assembly

Ladies and gentlemen, distinguished guests, Lt. Gov. Wilson, friends and family, and my fellow Senators.

It gives me a great deal of pleasure to welcome each of you back to the State Capitol. Today, we begin the Second Regular Session of the 90th Missouri General Assembly.

The year 2000! The new millenium!

There are those who believe that this is the last session of the old millennium. There are those who believe that this is the first session of the new millennium. Then there are those here who would try to amend either of these proposals.

Here in this chamber, I seem to recall that we spent the better part of an evening debating what day it was - or at least what day the record should reflect that we adjourned. And, of course, we succeeded, after extended debate on the matter.

That's just one of the things the Missouri Senate is all about: debating issues - often at length, often at very great length, sometimes at very, very great length. However, this is what needs to happen when there is an honest difference on what the solution to an issue should be.

Last year, for the first time in many years, and for only the third time since we became a state, this body moved the previous question. Yet, it is worth noting, that we did so to continue debate, not to limit it. Free and fair discussion has long been the trademark of the Missouri Senate. For this body, and for the citizens we serve, I hope it always will be.

As I think back on the hundreds of hours of debate that I've enjoyed listening to in this chamber, I am often reminded of how important it is for this body to laugh once in a while. It breaks the tension, keeps tempers calm, and makes the hard issues we have to decide easier to deal with. Plus, we also make some important cultural discoveries. It was here, in this very chamber, that we made the connection between water moccasins, hand fishing and modern dance. And you'll recall when the Senator from Stone and the Senator from Shannon enlightened us as to the origin of the Macarena.

I believe that this is the time that I am supposed to remind everyone of all the many past successes that we have been able to accomplish for the citizens of Missouri. This body knows very well what those issues are and how well we dealt with them. Most of us, myself included, will be stressing these accomplishments numerous times in our up-coming elections.

The Missouri Senate has earned its bragging rights.

This summer I appointed interim committees to research and hold public meetings across the state. These committees were formed to educate us on the issues that we need to deal with this session. Each committee has or will submit a report and recommendation. I will make sure that each of you receive copies.

In 2000, I would like to see the Missouri Senate take the lead and address the following issues:

- Set up a tobacco trust fund for safekeeping and let the people decide what to do with the settlement proceeds
- Health care reform including a comprehensive patient bill of rights
- Protect seniors from telemarketing fraud, elder abuse, poor living conditions and skyrocketing prescription costs
- Education issues including school violence, charter schools, and early childhood education
- Tying up any loopholes regarding meth, sexual predators and protecting our children from abuse.

Night before last as Jane and I were discussing what message I wanted to deliver to you today, I decided finally on just two very important issues: term limits and harmony.

Probably the most important issue that cannot be solved alone by this body is term limits. In the year 2002, roughly 31 out of 34 Senators will not be able to run for re-election. I think this session we need to paint lines in the Capitol similar to a hospital: We would have a blue line to the bathrooms, a green line to the committee hearing rooms and a yellow line to the chamber for the future Senators to find their way.

We have all heard "The Lord giveth and the Lord taketh away". In the past, our positions were given and taken away by the voters. Now, with term limits, no matter how well you represent your district, in two terms the citizens must choose someone to replace you. The mere fact that people will no longer have the constitutional right to vote for a person who has served eight years in this body is of great concern to our democracy and well being of the state. This concern crosses party lines. It affects us all. The citizens no longer will have the continuity, experience and knowledge their elected officials need to get things done. I believe this is an issue that each and every one of us needs to be talking about at every opportunity within our districts, to our constituents, to our respective parties and among our colleagues.

The second very important issue I want to talk about is harmony in a world of difference. We are all different and we need some harmony! Each and every one of us worked very hard to become a member of the Senate. I believe we each have the desire and the dedication to serve our constituents to the very best of our ability. If we disagree let it be an honest disagreement. We are all intelligent, caring people who with patience, hard work and a little humor can find satisfactory solutions. Let each of us have as our goal to serve in such a way that Missouri and its' citizens are better off because we were elected.

I look forward to working with each of you during the upcoming session. It really is my privilege serving as your President Pro Tem, and it is a responsibility I take very seriously. However, when I start taking things too seriously, when it gets hard to smile, I just remember that the Senator from Shannon was born on April Fools Day, and I find comfort in this evidence that there is a higher power, and that this higher power has a heck of a sense of humor.

And we should too. It will help us be our best in the days and weeks ahead.

Thank you.

President Wilson assumed the Chair.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Elaine M. Aber, 2413 Greentree Road, Jefferson City, Cole County, Missouri 65101, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Sterling Adams, Democrat, 5003 Tyus Court, St. Louis City, Missouri 63115, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1999, while the Senate was not in session.

Denis H. Agniel, Republican, 408 Woodlawn, Jefferson City, Cole County, Missouri 65101, as a member of the Board of Probation and Parole, for a term ending December 10, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 217.665.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Joe Ann Alexander, 401 Northeast Stanton Lane, Lee's Summit, Jackson County, Missouri 64064, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Derek V. Alvarez, Post Office Box 1097, Lake Ozark, Miller County, Missouri 65049, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor



Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 22, 1999, while the Senate was not in session.

Natalie R. Anderson, Route 3, Box 58-B, Kirksville, Adair County, Missouri 63501, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, Frank Mitchell, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Robert S. Arnold, Republican, Number One Cotillion Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Stephen D. Paulsell, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 30, 1999, while the Senate was not in session.

Jack D. Atterberry, Democrat, 1632 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 22, 1999, while the Senate was not in session.

Cynthia R. Ballentine, 811 Nykiel Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Board of Occupational Therapy, for a term ending November 14, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 7, 1999, while the Senate was not in session.

Kathleen C. Bargeon, 21 Eagles Way Lane, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the Child Abuse and Neglect Review Board, for a term ending April 28, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Stephen L. Barr, 3912 Oakridge Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2000, and until his successor is duly appointed and qualified; vice, John Heskett, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Milton J. Bischof, Jr., 6 Elmcrest Acres, St. Louis, St. Louis County, Missouri 63138, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

John R. Blass, 104-19 East Green Meadows Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until his successor is duly appointed and qualified; vice, Perry D. Beason, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 23, 1999, while the Senate was not in session.

Linda R. Bohrer, 423 Van Horn Road, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1999, while the Senate was not in session.

Charles G. Bonney, 3012 Kreinheder Court, St. Louis, St. Louis County, Missouri 63125, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Katherine Ann Borman, Democrat, 4704 County Road 240, Kingdom City, Callaway County, Missouri 65262, as a member of the State Milk Board, for a term ending September 28, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 7, 1999, while the Senate was not in session.

Paul A. Boudreau, 611 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 31, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Sidney L. Brantley, 12019 DePaul Hills Drive, Bridgeton, St. Louis County, Missouri 63044, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Ronald G. Breshears, 594 Northeast 200, Knob Noster, Johnson County, Missouri 65336, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 29, 1999, while the Senate was not in session.

Mary C. "Mikki" Brewster, 4615 Lindell Boulevard, Apartment 1101, St. Louis City, Missouri 63108, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Jack McBride, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Christy D. Broce, 7602 Crescent, Raytown, Jackson County, Missouri 64138, as a member of the Children's Trust Fund Board, for a term ending September 15, 2002, and until her successor is duly appointed and qualified; vice, Martha Karlovetz, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1999, while the Senate was not in session.

Frances Afua Bromley, 2149 Alfred, Apartment Two South, St. Louis City, Missouri 63110, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2000, and until her successor is duly appointed and qualified; vice, RSMo. 324.478.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR



State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Mary Louise Brown, 2028 Bland Place, Maplewood, St. Louis County, Missouri 63143, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 23, 1999, while the Senate was not in session.

Elizabeth B. Brown, Democrat, 2054 State Route E, Fayette, Howard County, Missouri 65284, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Bill M. Burch, Democrat, 658 North Ranney, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Development Finance Board, for a term ending September 14, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Dorothy Danforth Burlin, Republican, 2 East Brentmoor Park, St. Louis, St. Louis County, Missouri 63105, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2001, and until her successor is duly appointed and qualified; vice, Kenneth S. Kranzberg, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 13, 1999, while the Senate was not in session.

Barbara D. Burns, Independent, 998 Northeast 80th Lane, Sheldon, Barton County, Missouri 64784, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

A. Sam Burton, Ph.D., 4030 County Road 13848, Post Office Box 371, Rolla, Phelps County, Missouri 65402, as a member of the Children's Trust Fund Board, for a term ending September 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Marie E. Carter, Republican, 20 Creekwood Lane, St. Louis, St. Louis County, Missouri 63124, as a member of the State Committee of Dietitians, for a term ending June 11, 2002, and until her successor is duly appointed and qualified; vice, House Bill 1601.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 27, 1999, while the Senate was not in session.

Jeffrey D. Cawlfeld, Ph.D., Democrat, 10901 Hanley Drive, Rolla, Phelps County, Missouri 65401, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Gary D. Collins, 2604 Huntleigh Place, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2002, and until his successor is duly appointed and qualified; vice, Glen Brad Williams, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

E. Thomas Copeland, Jr., Ph.D., 4045 Campbell, Kansas City, Jackson County, Missouri 64110, as a member of the State Committee of Psychologists, for a term ending August 21, 2003, and until his successor is duly appointed and qualified; vice, Darrell Hartke, Ph.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1999, while the Senate was not in session.

Ida B. Cox, Democrat, 11905 Mellon Bridge Road, Platte City, Platte County, Missouri 64079, as a member of the State Fair Commission, for a term ending December 29, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

William Hayden Creech, Jr., Democrat, 1300 Boone Street, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 29, 1999, while the Senate was not in session.

Grace Denise Cross, 2405 Theresa Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, Carmen Schulze, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 13, 1999, while the Senate was not in session.

William H. Darr, Republican, 2951 White Oak Drive, Springfield, Greene County, Missouri 65809, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Thomas Strong, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 17, 1999, while the Senate was not in session.

Thomas R. Davis, Democrat, 1223 West 95th Court, Kansas City, Jackson County, Missouri 64114, as a member of the State Board of Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, Sharon Williams, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 21, 1999, while the Senate was not in session.

Shawn T. deLoyola, 1618 South Country Club Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri



January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 9, 1999, while the Senate was not in session.

James Michael DiPardo, Democrat, 13964 County Road 3630, St. James, Phelps County, Missouri 65559, as a member of the Land Reclamation Commission, for a term ending September 28, 2001, and until his successor is duly appointed and qualified; vice, J. Thomas Netzer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 2, 1999, while the Senate was not in session.

H. Dwight Douglas, 1012 Bond Street, Neosho, Newton County, Missouri 64850, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 1999, while the Senate was not in session.

Robert H. Douglass, 1204 Northeast 94th Terrace, Kansas City, Clay County, Missouri 64155, as a member of the State Board of Mediation, for a term ending October 25, 1999, and until his successor is duly appointed and qualified; vice, Linda Cooper, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 2, 1999, while the Senate was not in session.

Chester C. Dudley, HCR #3, Box 3534, Shell Knob, Stone County, Missouri 65747, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

Richard C. Dunn, 2244 Meadowview, Springfield, Greene County, Missouri 65804, as a member of the Children's Trust Fund Board, for a term

ending September 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Lillian D. Eunice, 7753 Nacomis Drive, Normandy, St. Louis County, Missouri 63121, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Dorothy Fauntleroy, 3815 East 68th Street, Kansas City, Jackson County, Missouri 64130, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Shirley A. Fearon, 11124 East 85th Street, Raytown, Jackson County, Missouri 64138, as a member of the State Mental Health Commission, for a term ending June 28, 2000, and until her successor is duly appointed and qualified; vice, Jean Barrett, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Edward E. Fields, 3928 Benton Boulevard, Kansas City, Jackson County, Missouri 64130, as a member of the Commission on the Special Health,

Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 22, 1999, while the Senate was not in session.

Katharine Fincham, 5227 Bluff View, Parkville, Platte County, Missouri 64152, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2002, and until her successor is duly appointed and qualified; vice, Diane M. Garber, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1999, while the Senate was not in session.

Teresa J. Finn, 901 Southwest Loula Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2000, and until her successor is duly appointed and qualified; vice, Robert Coscia, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 29, 1999, while the Senate was not in session.

Ollie C. Fisher, DMD, Republican, 6666 Foxshire Drive, St. Louis, St. Louis County, Missouri 63033, as a member of the State Board of Health, for a term ending October 13, 2002, and until his successor is duly appointed and qualified; vice, Dr. Sheila M. Lam, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 2, 1999, while the Senate was not in session.

Roger M. Folk, 750 Muir View Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 9, 1999, while the Senate was not in session.

Michael R. Foresman, Republican, 515 Pointe Essex Court, Kirkwood, St. Louis County, Missouri 63122, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1999, while the Senate was not in session.

Larry G. Foster, Republican, 1530 Hunters Circle, Sedalia, Pettis County, Missouri 65301, as a member of the State Fair Commission, for a term ending December 29, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 9, 1999, while the Senate was not in session.

Joseph J. Frank, 9933 Hilltop Drive, Sunset Hills, St. Louis County, Missouri 63128, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2001, and until his successor is duly appointed and qualified; vice, James Whitfield, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

Dean E. Freeman, Republican, 33862 Holt 250, Oregon, Holt County, Missouri 64473, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,



MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

Alexander G. Garza, M.D., 6027 Cherry Street, Kansas City, Jackson County, Missouri 64110, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, Dr. Michael Dunlap, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Patrick M. Gleason, Republican, 859 Atalanta Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, Jan Dillow, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 27, 1999, while the Senate was not in session.

John H. Goffstein, Democrat, 8006 Orlando Drive, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, Rose Brower, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

Maria I. Gomez, 3719 Rue De Renard, St. Louis, St. Louis County, Missouri 63034, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, Dorothy Dunn, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 29, 1999, while the Senate was not in session.

Anita B. Gorman, Republican, 917 East Vivion Road, Kansas City, Clay County, Missouri 64118, as a member of the Conservation Commission, for a term ending July 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 7, 1999, while the Senate was not in session.

Sandra K. Grebing, 936 County Road 605, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, Cathy Pribyl, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Janice Schnake Greene, Ph.D., Republican, 1024 West Linwood Street, Springfield, Greene County, Missouri 65807, as a public member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2001, and until her successor is duly appointed and qualified; vice, Susan Lammert, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 22, 1999, while the Senate was not in session.

Gerald P. Greiman, 7042 Westmoreland Drive, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri State Employees Deferred Compensation Commission, for a term ending November 20, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 27, 1999, while the Senate was not in session.

Mary C. Hagerty, Democrat, 1930 Burlewood Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 6, 1999, while the Senate was not in session.

Margaret "Meg" A. Harding, Democrat, 6924 Northwest Highway Nine, Kansas City, Platte County, Missouri 64152, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 22, 1999, while the Senate was not in session.

Herbert E. Hardwick, 6601 State Line Road, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1999, while the Senate was not in session.

Francis T. H'Doubler, Jr., M.D., 2445 Melbourne Road, Springfield, Greene County, Missouri 65804, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 324.478.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 14, 1999, while the Senate was not in session.

Flora M. Henderson, 4712 Nelson, St. Louis, St. Louis County, Missouri 63121, as a member of the State Board of Cosmetology, for a term ending July 1, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Richard S. Hendin, 719 Woodridge Heights Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 23, 1999, while the Senate was not in session.

Peter F. Herschend, Republican, 538 Oak Bluff Road, Branson, Taney County, Missouri 65616, as a member of the State Board of Education, for a term ending July 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Patrick J. Hickey, 11721 Avery, Bridgeton, St. Louis County, Missouri 63044, as a member of the State Board of Mediation, for a term ending October 25, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Judith Sutter Hinrichs, Republican, 24 Enfield Road, St. Louis, St. Louis County, Missouri 63132, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,



OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1999, while the Senate was not in session.

Mary A. Holyoke, 13163 Highway 21, DeSoto, Jefferson County, Missouri 63020, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.478.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Deborah M. Horton, 4300 Lindell Boulevard, Number 109, St. Louis City, Missouri 63108, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, Jesse Jones, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 6, 1999, while the Senate was not in session.

Debra A. Howenstine, M.D., 5065 North Clearview Road, Columbia, Boone County, Missouri 65202, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 10, 1999, while the Senate was not in session.

Jewel L. Hunter, Democrat, 26 Kentom Drive, St. Louis, St. Louis County, Missouri 63132, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Mary S. Ireland, 805 West Sycamore, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending October 25, 2002, and until her successor is duly appointed and qualified; vice, David Roberts, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Mildred L. Jamison, 6829 Finchdale, Florissant, St. Louis County, Missouri 63033, as a member of the Children's Trust Fund Board, for a term ending September 15, 1999, and until her successor is duly appointed and qualified; vice, Carlos Salazar, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

Mildred L. Jamison, 6829 Finchdale, Florissant, St. Louis County, Missouri 63033, as a member of the Children's Trust Fund Board, for a term ending September 15, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Herb R. Johnson, 4504 Sunset Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Daniel J. "Duke" McVey, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Gerald W. Jones, Republican, 206 County Road 601, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Joye McElwee, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1999, while the Senate was not in session.

Gale S. Kessler, HH and Carol Roads, Post Office Box 2115, Lake Ozark, Camden County, Missouri 65049, as Executive Director of the Missouri Women's Council, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Sue McDaniel, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 30, 1999, while the Senate was not in session.

Cletus B. Kraenzle, 11373 State Route M, Ste. Genevieve, Ste. Genevieve County, Missouri 63670, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending September 30, 2002, and until his successor is duly appointed and qualified; vice, Harvey Cooper, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 7, 1999, while the Senate was not in session.

Glenda A. Kremer, County Road 404, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, Dianne Tackett, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Ik-Whan G. Kwon, Ph.D., 234 New Salem Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 2, 1999, while the Senate was not in session.

Charli Jo Ledgerwood, 706 Black Jack Street, Cassville, Barry County, Missouri 65625, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Lynn Bultman, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1999, while the Senate was not in session.

Richard D. Lee, Democrat, 2407 Meadowlark Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Probation and Parole, for a term ending April 25, 2003, and until his successor is duly appointed and qualified; vice, Lenore Weldon, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Patricia A. Lepp, 6239 Kings Ferry Road, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Dental Board, for a term ending January 10, 2004, and until her successor is duly appointed and qualified; vice, Diane McClure, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 22, 1999, while the Senate was not in session.

Paul E. Lineberry, Ph.D., 3624 Southland Dr., Columbia, Boone County, Missouri 65201, as a public member of the State Board of Nursing, for a term ending June 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:



I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1999, while the Senate was not in session.

Elizabeth M. "Betty" Linke, Republican, 114 Alden Street, Troy, Lincoln County, Missouri 63379, as a member of the State Fair Commission, for a term ending December 29, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 2, 1999, while the Senate was not in session.

Rachel E. Locke, Ph.D., Democrat, 3875 McDonald Avenue, St. Louis City, Missouri 63116, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2001, and until her successor is duly appointed and qualified; vice, Marie Steinwachs, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Gretchen C. Lockett, Ph.D., 4466 West Pine Boulevard, Apartment #6B, St. Louis City, Missouri 63108, as a public member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Geraldine E. Madden, Ed.D., 10709 East 32nd Street, Independence, Jackson County, Missouri 64052, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 27, 1999, while the Senate was not in session.

Patricia M. Mahoney, Democrat, 4039 Crosby Drive, St. Louis City, Missouri 63123, as a member of the State Milk Board, for a term ending September 28, 2002, and until her successor is duly appointed and qualified; vice, Kathryn Vedder, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Julie M. March, 1031 South Fremont, Springfield, Greene County, Missouri 65804, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Dennis D. Martin, 900 Main Street, Tarkio, Atchison County, Missouri 64491, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2001, and until his successor is duly appointed and qualified; vice, Robert Boydston, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 30, 1999, while the Senate was not in session.

Herbert W. Martin, Democrat, 606 West Red Bridge Road, Kansas City, Jackson County, Missouri 64114, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 21, 1999, while the Senate was not in session.

Rolfe C. McCoy, D.M.D., 1919 Polk Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Dental Board, for a term ending October 16, 2004, and until his successor is duly appointed and qualified; vice, Jonathan Hanson, D.D.S., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Mary B. McDonald, Democrat, 2010 Rose Drive, Columbia, Boone County, Missouri 65202, as a member of the State Committee of Dietitians, for a term ending June 11, 2003, and until her successor is duly appointed and qualified; vice, House Bill 1601.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Nolan G. McNeill, Democrat, Route 3, Box 3239, Cassville, Barry County, Missouri 65625, as a public member of the State Committee of Dietitians, for a term ending June 11, 2001, and until his successor is duly appointed and qualified; vice, House Bill 1601.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Donna J. Medlin, Republican, 1951 South Delaware Avenue, Springfield, Greene County, Missouri 65804, as a member of the State Committee of Dietitians, for a term ending June 11, 2002, and until her successor is duly appointed and qualified; vice, House Bill 1601.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Juliet Mee, 4355 South National #2212, Springfield, Greene County, Missouri 65810, as a non-voting member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Virginia F. Mee, 3542 South Western Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until her successor is duly appointed and qualified; vice, Joe Maxwell, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Virginia F. Mee, 3542 South Western Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Elizabeth C. Miller, RN, 3323 A East Sunset, Springfield, Greene County, Missouri 65804, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1999, while the Senate was not in session.

Cranston J. Mitchell, Republican, 500 Mulberry, Post Office Box 105811, Jefferson City, Cole County, Missouri 65110, as a member of the Board of Probation and Parole, for a term ending April 3, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri



January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1999, while the Senate was not in session.

Lowell F. Mohler, Republican, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 23, 1999, while the Senate was not in session.

James A. Monteleone, M.D., 606 Greenwich Green, Town and Country, St. Louis County, Missouri 63017, as a member of the Children's Trust Fund Board, for a term ending September 15, 1999, and until his successor is duly appointed and qualified; vice, Charles Swisher, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

James A. Monteleone, M.D., 606 Greenwich Green, Town and Country, St. Louis County, Missouri 63017, as a member of the Children's Trust Fund Board, for a term ending September 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Mike Morado, 2015 East 73rd Street, Kansas City, Jackson County, Missouri 64132, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 9, 1999, while the Senate was not in session.

Susan B. Musgrave, Republican, 7744 Pershing Avenue, Clayton, St. Louis County, Missouri 63105, as a member of the Mississippi River Parkway Commission, for a term ending September 15, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Carolyn Davis Newport, 2424 East Raynell, Springfield, Greene County, Missouri 65804, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending October 25, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 1999, while the Senate was not in session.

Lynne R. Nikolaisen, Republican, 962 Kinsale Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Missouri Gaming Commission, for a term ending April 29, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 21, 1999, while the Senate was not in session.

Joann E. Noll, 1270 Bridle Road, Number 15, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 21, 1999, while the Senate was not in session.

Robert P. O'Dell, Route 2, Box 84, Conway, Dallas County, Missouri 65632, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Margie E. Peltier, 2914 East 55th Street, Kansas City, Jackson County, Missouri 64130, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 10, 1999, while the Senate was not in session.

Dolores A. Penn, Ph.D., 1305 Dixon Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Commission on Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Patti A. Penny, 2960 West Weaver Road, Springfield, Greene County, Missouri 65810, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Mona L. Perry, 510 Miller Drive, Belton, Cass County, Missouri 64012, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 1999, while the Senate was not in session.

Jeanne F. Philips-Roth, 4141 Flora Place, St. Louis City, Missouri 63110, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1999, while the Senate was not in session.

Roger Dale "R.D." Porter, 23515 Roswell Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Terri L. Powell, Republican, 2316 Orr Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the State Committee of Dietitians, for a term ending June 11, 2003, and until her successor is duly appointed and qualified; vice, House Bill 1601.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Allan W. Purdy, 2800 Green Valley Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri



January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Dale Reesman, 1316 Fourth Street, Boonville, Cooper County, Missouri 65233, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2002, and until his successor is duly appointed and qualified; vice, Lynn A. Harmon, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 29, 1999, while the Senate was not in session.

Patricia B. Reid, 820 Scott Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Joy Osbourn, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30,

1999, while the Senate was not in session.

Linda G. Renner, Democrat, 1126 Highland Pointe Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Missouri State Banking Board, for a term ending August 29, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

George S. Reuter, Jr., Ed.D., 406 South Olive Street, Holden, Johnson County, Missouri 64040, as a public member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 29, 1999, while the Senate was not in session.

Nancy J. Reynolds, Democrat, Number 6 Fairway Oaks Court, Lake St. Louis, St. Charles County, Missouri 63385, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Cheryl A. Robinson, 18325 Pinbrook Hollow, Post Office Box 117, Allenton, St. Louis County, Missouri 63001, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 13, 1999, while the Senate was not in session.

Marilyn L. Robinson, 12595 Tremblewood Drive, Florissant, St. Louis County, Missouri 63033, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 4, 1999, while the Senate was not in session.

Verneda F. Robinson, 7909 Twilight Place, Parkville, Platte County, Missouri 64152, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until her successor is duly appointed and qualified; vice, Karen Taylor, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 27, 1999, while the Senate was not in session.

Roddy J. Rogers, Republican, 2241 East Powell, Springfield, Greene County, Missouri 65804, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 27, 1999, while the Senate was not in session.

Laura E. Roy, 134 Beacon Hill, St. Charles, St. Charles County, Missouri 63301, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending October 25, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 7, 1999, while the Senate was not in session.

Cynthia A. Rushefsky, 1316 East Grand Street, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

James K. Scaggs, Democrat, HCR 77, Box 115J, Annapolis, Iron County, Missouri 63620, as a member of the Missouri Agriculture and Small Business Development Authority, for a term ending June 30, 2001, and until his successor is duly appointed and qualified; vice, William D. Hunter, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 27, 1999, while the Senate was not in session.

Patricia L. Schlechte, 115 East Circle Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending April 12, 2002, and until her successor is duly appointed and qualified; vice, Lyn C. Konstant, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 7, 1999, while the Senate was not in session.

Peter M. Schloss, 312 Lakeside Drive, Liberty, Clay County, Missouri 64068, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Joan R. Shores, Democrat, 24604 East 327th Street, Harrisonville, Cass County, Missouri 64701, as a member of the State Committee of Dietitians, for a term ending June 11, 2001, and until her successor is duly appointed and qualified; vice, House Bill 1601.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1999, while the Senate was not in session.

Mark W. Smith, 3849 Holly Hills Avenue, St. Louis City, Missouri 63116, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, Jeffrey Jamieson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Ted A. Smith, Republican, 1015 South Farm Road 193, Springfield, Greene County, Missouri 65809, as a member of the Land Reclamation Commission, for a term ending September 28, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000



TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 17, 1999, while the Senate was not in session.

Paula L. Spring, Republican, 2005 Sunchase Estates, Warsaw, Benton County, Missouri 65355, as a member of the State Board of Education, for a term ending July 1, 2003, and until her successor is duly appointed and qualified; vice, Thomas Davis, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 8, 1999, while the Senate was not in session.

Norma J. Stack, Democrat, 24854 Highway J, Mexico, Audrain County, Missouri 65265, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, Ruby Harriman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 17, 1999, while the Senate was not in session.

John D. Starr, 1250 West 62nd Street, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Development Finance Board,

for a term ending September 14, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 27, 1999, while the Senate was not in session.

Nancy J. Stemme, Republican, 110 High Valley Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2001, and until her successor is duly appointed and qualified; vice, Nell Pollnow, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Bonita M. Stepenoff, 1806 Ricardo Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 4, 1999, while the Senate was not in session.

Yvonne S. Sparks Strauther, 4456 Shaw Avenue, St. Louis City, Missouri 63110, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Dennis Coleman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 21, 1999, while the Senate was not in session.

Letitia R. Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a tem ending June 30, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 30, 1999, while the Senate was not in session.

Diedra C. Thompson, 2905 Greenbriar Drive, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2000, and until her successor is duly appointed and qualified; vice, Jerry Palmer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 21, 1999, while the Senate was not in session.

Neva G. Thurston, 5812 West Brazito Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 14, 1999, while the Senate was not in session.

John L. Tirre, 4005 Emerald Drive, St. Charles, St. Charles County, Missouri 63304, as a member of the State Board of Cosmetology, for a term ending October 13, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 7, 1999, while the Senate was not in session.

Gary F. Toelke, 34 Edwards Circle, Union, Franklin County, Missouri 63084, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2002, and until his successor is duly appointed and qualified; vice, Michael D. Baker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 1999, while the Senate was not in session.

Richard E. Tufts, Republican, 428 Terrington Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 6, 1999, while the Senate was not in session.

Lorene A. Van Dam, Republican, 5641 Elmira, Springfield, Greene County, Missouri 65810, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2003, and until her successor is duly appointed and qualified; vice, Kenneth Bradshaw, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October

27, 1999, while the Senate was not in session.

Lois L. Vander Waerd, 7155 Washington, St. Louis, St. Louis County, Missouri 63130, as a member of the State Board of Mediation, for a term ending October 25, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1999, while the Senate was not in session.

Jane L. VanSant, 700 Southeast 800 Road, Leeton, Johnson County, Missouri 64761, as a public member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.478.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 10, 1999, while the Senate was not in session.

George E. Walley, Jr., Democrat, 36 Holiday Drive, Hannibal, Marion County, Missouri 63401, as a member of the Mississippi River Parkway Commission, for a term ending April 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 17, 1999, while the Senate was not in session.

Christi L. Warner, 505 Grand Avenue, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 16, 1999, while the Senate was not in session.

Laura R. Webster, 635 Ha Ha Tonka Road, Camdenton, Camden County, Missouri 65020, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2002, and until her successor is duly appointed and qualified; vice, Gene L. Burden, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor



Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Bernard M. Wesley, 1915 East 16th Street, Kansas City, Jackson County, Missouri 64127, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 16, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1999, while the Senate was not in session.

Jeannette A. Wessel, 1400 Marlann Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 14, 1999, while the Senate was not in session.

Mary Wheeler-Jones, Democrat, 4115 A Sacramento, St. Louis City, Missouri 63115, as a public member of the Missouri Board for Respiratory Care, for a term ending April 3, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 6, 1999, while the Senate was not in session.

Clifford I. Whipple, Ph.D., Republican, 2721 South Claremont, Springfield, Greene County, Missouri 65807, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2004, and until his successor is duly appointed and qualified; vice, Earl Walker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 16, 1999, while the Senate was not in session.

Carol M. Wicks, Republican, 312 Crown Point, Columbia, Boone County, Missouri 65211, as a member of the Land Reclamation Commission, for a term ending September 28, 2003, and until her successor is duly appointed and qualified; vice, Ford W. Hughes, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 30, 1999, while the Senate was not in session.

Jack H. Williams, Republican, 12907 McGee, Kansas City, Jackson County, Missouri 64145, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 21, 1999, while the Senate was not in session.

Marcella W. Williams, Democrat, 11908 East 40th Terrace, Independence, Jackson County, Missouri 64052, as a member of the State Board of Health, for a term ending October 13, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1999, while the Senate was not in session.

Nancy K. Wilson, 3704 Shadow Glen Court, Columbia, Boone County, Missouri 65203, as a member of the State Board of Cosmetology, for a term ending July 1, 2001, and until her successor is duly appointed and qualified; vice, Amy Staples, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1999, while the Senate was not in session.

Roger D. Young, 801 East 7th Street, Laddonia, Audrain County, Missouri 63352, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## **FIRST READING OF PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 1994, Sections 21.600, 21.605, 21.610, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

**SB 528**-By Schneider.

An Act to repeal sections 364.120, 365.140, 385.050, 408.083, 408.170 and 408.320, RSMo 1994, relating to prepayment of certain loans, and to enact six new sections relating to the same subject.

**SB 529**-By Schneider.

An Act to repeal sections 88.050 and 523.070, RSMo 1994, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

**SB 530**-By Schneider.

An Act to repeal sections 552.020 and 552.040, RSMo Supp. 1999, relating to the placement of certain individuals in correctional institutions, and to enact in lieu thereof two new sections relating to the same subject.

**SB 531**-By Wiggins.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

**SB 532**-By Wiggins and Clay.

An Act to amend chapter 571, RSMo, by adding thereto nine new sections relating to firearms, with penalty provisions.

**SB 533**-By Wiggins, Steelman, Maxwell, Banks, Clay and Schneider.

An Act to repeal section 213.111, RSMo Supp. 1999, relating to certain civil actions for discrimination, and to enact in lieu thereof one new section relating to the same subject.

**SB 534**-By Banks.

An Act to repeal section 191.825, RSMo 1994, relating to the joint committee on health care policy and planning, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

**SB 535**-By Banks.

An Act to amend chapter 320, RSMo, by adding thereto four new sections relating to fire protection, with penalty provisions.

**SB 536**-By Banks.

An Act to repeal section 701.316, RSMo 1994, relating to lead-bearing substance activities, and to enact in lieu thereof one new section relating to the same subject.

**SB 537**-By Russell.

An Act relating to law enforcement districts.

**SB 538**-By Russell.

An Act to repeal sections 32.090 and 32.091, RSMo Supp. 1999, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

**SB 539**-By Russell.

An Act to amend chapter 161, RSMo, relating to elementary and secondary education by adding thereto one new section relating to the same subject.

**SB 540**-By Mathewson.

An Act to repeal section 262.260, RSMo Supp. 1999, relating to the state fair, and to enact in lieu thereof one new section relating to the same subject.

**SB 541**-By Mathewson.

An Act to repeal section 307.375, RSMo Supp. 1999, relating to vehicle equipment regulations, and to enact in lieu thereof one new section relating to the same subject.

**SB 542**-By Mathewson.

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

**SB 543**-By Staples.

An Act to repeal section 478.690, RSMo 1994, relating to the number of associate circuit judges, and to enact in lieu thereof one new section relating to the same subject.

**SB 544**-By Staples.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to highway enhancement for the purposes of economic development.

**SB 545**-By Staples.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

**SB 546**-By Goode and Schneider.

An Act to repeal sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.505, 302.540, 302.541, 302.545, 577.001, 577.023 and 577.049, RSMo Supp. 1999, relating to driving with excessive blood alcohol content, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

**SB 547**-By Goode, Schneider, Clay, House, Bland, Scott and DePasco.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu thereof nine new sections relating to good faith employee negotiations, with penalty provisions.

**SB 548**-By Goode.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund.

**SB 549**-By Quick, Scott, Stoll, DePasco, Mathewson, Howard, Johnson, Wiggins, Maxwell, Clay, Bland and Staples.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund.

**SB 550**-By Flotron.

An Act to repeal section 136.300, RSMo Supp. 1999, and to enact in lieu thereof one new section relating to collection of state taxes.

**SB 551**-By Flotron and Maxwell.

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion absent a compelling state interest.

**SB 552**-By Flotron.

An Act to repeal sections 135.500, 135.503 and 620.1039, RSMo Supp. 1999, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof two new sections relating to the same subject.

**SB 553**-By Singleton.

An Act to repeal section 317.001, RSMo Supp. 1999, and to enact in lieu thereof two new sections relating to health insurance for professional boxers.

**SB 554**-By Singleton.

An Act to repeal section 573.037, RSMo 1994, relating to child pornography, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 555**-By Singleton.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state parks.

**SB 556**-By Mueller.

An Act to repeal sections 335.561 and 355.596, RSMo 1994, relating to not for profit corporations, and to enact in lieu thereof two new sections relating to the same subject.

**SB 557**-By Mueller.

An Act to amend chapter 99, RSMo, relating to municipal housing by adding thereto one new section relating to additional housing commissioners in certain political subdivisions.

**SB 558**-By Howard.

An Act to repeal section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 559**-By Howard.

An Act to amend chapter 348, RSMo, by adding thereto twelve new sections relating to the Missouri agribusiness development authority.

**SB 560**-By Howard.

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

**SB 561**-By Johnson.

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to grants for tobacco-dependent communities, with an expiration date.

**SB 562**-By Johnson.

An Act to repeal section 160.405, RSMo Supp. 1999, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

**SB 563**-By Johnson.

An Act to repeal section 104.517, RSMo Supp. 1999, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with effective dates.

**SB 564**-By Rohrbach.

An Act to amend chapter 221, RSMo, by adding one new section relating to the operation of private jails for profit.

**SB 565**-By Rohrbach.

An Act to repeal sections 32.055 and 32.091, RSMo Supp. 1999, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

**SB 566**-By Rohrbach.



An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the personal records of state employees.

**SB 567**-By Clay.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to compensation for wrongful imprisonment.

**SB 568**-By Clay.

An Act to repeal section 301.130, as enacted in conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 70 of the first regular session of the eighty-eighth general assembly and section 301.130, as enacted in house committee substitute for senate substitute for senate bill no. 3 of the first regular session of the eighty-eighth general assembly, relating to license tabs, and to enact in lieu thereof one new section relating to the same subject.

**SB 569**-By Clay.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to unlawful employment practices.

**SB 570**-By Ehlmann.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to gambling.

**SB 571**-By Ehlmann.

An Act to repeal section 288.040, RSMo Supp. 1999, relating to misconduct connected with work, and to enact in lieu thereof one new section relating to the same subject.

**SB 572**-By Ehlmann.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for property taxes.

**SB 573**-By House.

An Act to repeal section 163.036, RSMo Supp. 1999, relating to deductions for state school aid over payments, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 574**-By House.

An Act to amend chapters 335 and 376, RSMo, by adding thereto two new sections relating to health insurance.

**SB 575**-By Maxwell, Clay, Stoll, Goode, DePasco, Wiggins, House, Banks and Bland.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

**SB 576**-By Maxwell and Howard.

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

**SB 577**-By Maxwell.

An Act to amend chapter 260, RSMo, by adding thereto thirteen new sections relating to the creation of a drycleaning solvent cleanup fund.

**SB 578**-By Westfall.

An Act to repeal sections 302.302, 302.505, 302.510, 302.520, 302.541, 577.012 and 577.037, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

**SB 579**-By Westfall.

An Act to repeal section 577.017, RSMo 1994, relating to driving privileges, and to enact in lieu thereof one new section relating to the same subject.

**SB 580**-By Westfall.

An Act to repeal section 570.030, RSMo Supp. 1999, relating to stealing, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 581**-By Kenney.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of individual federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 582**-By Kenney.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of corporate federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 583**-By Kenney.

An Act to amend chapter 182, RSMo, by adding thereto two new sections relating to public libraries, with penalty provisions.

**SB 584**-By Bentley.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the department of elementary and secondary education.

**SB 585**-By Sims.

An Act to repeal section 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

**SB 586**-By Sims.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for disabled veterans.

**SB 587**-By Childers.

An Act to repeal section 21.183, RSMo 1994, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

**SB 588**-By Childers.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a rural housing development program.

**SB 589**-By Childers.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to the prevailing wage.

**SB 590**-By Yeckel.

An Act to amend chapter 569, RSMo, by adding thereto one new section relating to trespassing on school buses, with penalty provisions.

**SB 591**-By Yeckel.

An Act to repeal sections 160.534 and 164.303, RSMo Supp. 1999, relating to gambling moneys for schools, and to enact in lieu thereof three new sections relating to the same subject.

**SB 592**-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for education.

**SB 593**-By Bland.

An Act to amend chapter 354, RSMo, by adding thereto twenty-three sections relating to certain health care benefits with a contingent effective date for certain sections.

**SB 594**-By Bland.

An Act to amend chapter 196, RSMo, by adding thereto five new sections relating to the tobacco settlement fund commission.

**SB 595**-By Bland.

An Act relating to tax relief for child care payments, with penalty provisions for a certain section.

**SB 596**-By Steelman.

An Act to repeal section 67.1360, RSMo Supp. 1999, relating to local sales tax for tourism, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 597**-By Steelman.

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to adoption, with penalty provisions.

**SB 598**-By Steelman.

An Act to repeal section 660.300, RSMo 1994, relating to in-home care for the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

**SB 599**-By Schneider.

An Act to repeal section 143.171, RSMo 1994, and section 143.111, RSMo Supp. 1999, relating to certain income tax deductions, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

**SB 600**-By Schneider, Goode, Clay, Wiggins, Scott, DePasco and Bland.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu thereof nine new sections relating to good faith state employee negotiations, with penalty provisions.

**SB 601-**By Schneider.

An Act to repeal section 478.437, RSMo 1994, and section 478.320, RSMo Supp. 1999, relating to judges in certain judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

**SB 602-**By Wiggins.

An Act to repeal section 210.150, RSMo Supp. 1999, relating to children, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

**SB 603-**By Wiggins.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and 452.550, RSMo 1994, and section 452.490, RSMo Supp. 1999, relating to the uniform child custody jurisdiction act, and to enact in lieu thereof forty new sections relating to the same subject.

**SB 604-**By Wiggins.

An Act to repeal sections 400.1-201, 400.2-103, 400.2-210, 400.2-326, 400.2-401, 400.2-502, 400.2-716, 400.2A-103, 400.2A-303, 400.2A-307, 400.2A-309, 400.4-210, 400.7-503, 400.9-101, 400.9-102, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-201, 400.9-202, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-307, 400.9-308, 400.9-310, 400.9-311, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507 and 400.9-508, RSMo 1994, and sections 400.1-105, 400.8-103, 400.8-106, 400.8-110, 400.8-301, 400.8-302, 400.8-510, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-115, 400.9-116, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-309, 400.9-312, 400.9-313 and 400.9-402, RSMo Supp. 1999, relating to the uniform commercial code, and to enact in lieu thereof one hundred fifty-five new sections relating to the same subject, with an effective date.

**SB 605-**By Banks.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to homestead exemption for certain persons.

**SB 606-**By Russell.

An Act to amend chapter 379, RSMo, relating to insurance other than life by adding thereto one new section relating to the same subject.

**SB 607-**By Russell.

An Act to amend chapter 301, RSMo, relating to motor vehicle registration by adding thereto one new section relating to the same subject.

**SB 608-**By Russell.

An Act to repeal section 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

**SB 609-**By Staples.

An Act to repeal section 67.582, RSMo Supp. 1999, relating to law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

**SB 610**-By Staples and DePasco.

An Act to repeal section 302.020, RSMo Supp. 1999, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

**SB 611**-By Goode and Schneider.

An Act to repeal sections 513.605 and 513.647, RSMo 1994, relating to forfeitures, and to enact in lieu thereof two new sections relating to the same subject.

**SB 612**-By Goode, Childers, Schneider, Kinder and Mathewson.

An Act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1999, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

**SB 613**-By Goode.

An Act to repeal section 303.044, RSMo 1994, and sections 302.178 and 303.042, RSMo Supp. 1999, relating to driver's privileges, and to enact in lieu thereof three new sections relating to the same subject.

**SB 614**-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto three new sections relating to health insurance.

**SB 615**-By Howard.

An Act to repeal section 301.560, RSMo Supp. 1999, relating to the licensing of motor vehicle dealers, and to enact in lieu thereof one new section relating to the same subject.

**SB 616**-By Johnson.

An Act to repeal sections 70.605, 70.661, 70.680 and 70.685, RSMo 1994, and sections 70.655 and 70.675, RSMo Supp. 1999, relating to local government employees' retirement system, and to enact in lieu thereof six new sections relating to the same subject.

**SB 617**-By Johnson.

An Act to repeal sections 194.210 and 194.230, RSMo 1994, and sections 194.220, 194.233, 194.240, 194.297, 194.299, 194.300, 194.302 and 302.181, RSMo Supp. 1999, and to enact in lieu thereof eighteen new sections for the purpose of enacting the dedication to donation act.

**SB 618**-By Rohrbach.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to telephone service for prison inmates.

**SB 619**-By Rohrbach.

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455 and 67.457, RSMo Supp. 1999, relating to neighborhood improvement districts, and to enact in lieu thereof five new sections relating to the same subject.

**SB 620**-By Rohrbach.

An Act to repeal section 306.016, RSMo Supp. 1999, relating to watercraft, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

**SB 621**-By Clay.

An Act to repeal section 213.111, RSMo Supp. 1999, relating to certain civil actions for discrimination, and to enact in lieu thereof one new section relating to the same subject.

**SB 622**-By Clay.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070 and 213.101, RSMo Supp. 1999, relating to human rights, and to enact in lieu thereof nine new sections relating to the same subject.

**SB 623**-By Clay.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to tax credits for public school donations.

**SB 624**-By Ehlmann.

An Act to repeal sections 92.045, 305.510 and 305.515, RSMo 1994, relating to the Missouri-St. Louis Metropolitan Airport Authority, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

**SB 625**-By Ehlmann.

An Act to repeal section 160.518, RSMo 1994, relating to review and accreditation of school districts, and to enact in lieu thereof one new section relating to the same subject.

**SB 626**-By Ehlmann.

An Act to repeal sections 163.191, 178.780 and 178.870, RSMo 1994, relating to state aid to junior college districts, and to enact in lieu thereof four new sections relating to the same subject.

**SB 627**-By Maxwell.

An Act to repeal section 169.070, RSMo Supp. 1999, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject.

**SB 628**-By Westfall.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

**SB 629**-By Westfall.

An Act to repeal sections 302.171 and 302.181, RSMo Supp. 1999, relating to social security numbers on driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

**SB 630**-By Kenney.

An Act to repeal section 160.518, RSMo 1994, relating to academic assessments, and to enact in lieu thereof one new section relating to the same subject.

**SB 631**-By Kenney.

An Act to repeal section 304.200, RSMo Supp. 1999, relating to the regulation of housemovers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

**SB 632**-By Childers.

An Act to amend chapter 595, RSMo, by adding thereto one new section relating to rights of crime victims.

**SB 633**-By Childers and Russell.

An Act to repeal sections 301.010 and 304.170, RSMo Supp. 1999, relating to motor vehicle lengths, and to enact in lieu thereof two new sections relating to the same subject.

**SB 634**-By Childers.

An Act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

**SB 635**-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

**SB 636**-By Bland, Wiggins and DePasco.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

**SB 637**-By Bland.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development in certain economically depressed areas.

**SB 638**-By Bland.

An Act to amend chapter 135, RSMo, by adding thereto five new sections relating to the establishment of tax credits for businesses which purchase certain goods and services, with penalty provisions.

**SB 639**-By Steelman.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to a pharmaceutical assistance program, with penalty provisions.

**SB 640**-By Steelman.

An Act to amend chapters 207 and 660, RSMo, by adding thereto two new sections relating to sovereign immunity.

**SB 641**-By Schneider.

An Act to repeal section 287.210, RSMo Supp. 1999, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

**SB 642**-By Schneider and Wiggins.

An Act to repeal section 476.690, RSMo Supp. 1999, relating to judicial retirement, and to enact in lieu thereof one new section relating to the same subject.

**SB 643**-By Schneider.

An Act to repeal sections 448.2-117 and 448.3-106, RSMo 1994, relating to condominium property, and to enact in

lieu thereof two new sections relating to the same subject.

**SB 644**-By Wiggins.

An Act to repeal section 144.030, RSMo Supp. 1999, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

**SB 645**-By Wiggins, Howard and Schneider.

An Act to repeal sections 354.443 and 354.618, RSMo Supp. 1999, relating to protection of health care consumers, and to enact in lieu thereof four new sections relating to the same subject.

**SB 646**-By Wiggins.

An Act to repeal sections 194.210 and 194.230, RSMo 1994, sections 194.220, 194.233, 194.240, 194.297, 194.299, 194.300 and 194.302, RSMo Supp. 1999, and section 302.181 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, first regular session of the ninetieth general assembly, and to enact in lieu thereof eighteen new sections relating to anatomical donation.

**SB 647**-By Russell.

An Act to repeal both versions of section 301.144 as they appear in RSMo Supp. 1999, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

**SB 648**-By Russell.

An Act to repeal section 484.020, RSMo Supp. 1999, relating to the practice of law, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 649**-By Russell.

An Act to repeal section 143.121, RSMo 1994, and section 143.124, RSMo Supp. 1999, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

**SB 650**-By Goode, House, Clay, Schneider, Stoll and Wiggins.

An Act to repeal sections 67.1062, 67.1063, 67.1064 and 67.1065, RSMo 1994, and section 67.1071, RSMo Supp. 1999, relating to the homeless assistance program, and to enact in lieu thereof five new sections relating to the same subject.

**SB 651**-By Goode.

An Act to repeal section 144.025, RSMo Supp. 1999, relating to sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 652**-By Goode, Clay, Wiggins and Yeckel.

An Act to repeal section 304.010, RSMo Supp. 1999, relating to maximum speed limits, and to enact in lieu thereof one new section relating to the same subject.

**SB 653**-By Clay.

An Act to repeal sections 84.030, 84.070, 84.080, 115.027, 115.029, 115.033 and 115.037, RSMo 1994, relating to the appointment of certain boards, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 654**-By Ehlmann.



An Act to repeal section 163.031, RSMo Supp. 1999, relating to state aid for public schools, and to enact in lieu thereof one new section relating to the same subject.

**SB 655**-By Ehlmann.

An Act to repeal section 27.060, RSMo 1994, relating to the powers of the attorney general, and to enact in lieu thereof one new section relating to the same subject.

**SB 656**-By Ehlmann.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for donations to scholarship charities.

**SB 657**-By Childers.

An Act to repeal section 252.230, RSMo Supp. 1999, relating to wildlife offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 658**-By Childers.

An Act to repeal sections 143.121 and 143.141, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

**SB 659**-By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

**SB 660**-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to pilot program of urban early compulsory school attendance, with penalty provisions.

**SB 661**-By Bland.

An Act to repeal sections 354.430 and 354.535, RSMo Supp. 1999, relating to health maintenance organizations, and to enact in lieu thereof two new sections relating to the same subject.

**SB 662**-By Bland.

An Act to amend chapter 215, RSMo, by adding one new section relating to the Missouri housing development commission.

**SB 663**-By Schneider.

An Act to repeal section 337.029, RSMo Supp. 1999, as enacted by house committee substitute for senate committee substitute for senate bill no. 732 of the eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

**SB 664**-By Schneider.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to the commission on judicial resources.

**SB 665**-By Schneider.

An Act to repeal section 376.383, RSMo Supp. 1999, relating to certain health care providers, and to enact in lieu thereof one new section relating to the same subject.

**SB 666**-By Russell.

An Act to repeal supreme court rule 5.29, relating to the unauthorized practice of law, and to enact in lieu thereof one new supreme court rule relating to the same subject.

**SB 667**-By Russell.

An Act to repeal section 451.040, RSMo Supp. 1999, relating to marriage licenses, and to enact in lieu thereof one new section relating to the same subject.

**SB 668**-By Russell.

An Act to repeal sections 135.357 and 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

**SB 669**-By Goode.

An Act to repeal section 21.250, RSMo 1994, relating to powers of the general assembly, and to enact in lieu thereof one new section relating to the same subject.

**SB 670**-By Ehlmann.

An Act to amend chapter 208, RSMo, by adding thereto fifteen new sections relating to a community partnership program.

**SB 671**-By Ehlmann.

An Act to repeal section 570.080, RSMo 1994, and section 570.030, RSMo Supp. 1999, relating to the felony limit for certain crimes, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

**SB 672**-Withdrawn.

**SB 673**-By Childers.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

**SB 674**-By Childers.

An Act to repeal section 277.020, RSMo Supp. 1998, relating to livestock, and to enact in lieu thereof two new sections relating to the same subject.

**SB 675**-By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

**SB 676**-By Bland.

An Act to repeal section 59.319, RSMo 1994, relating to user fees collected by the county recorder of deeds, and to enact in lieu thereof one new section relating to the same subject.

**SB 677**-By Bland.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 375.005 and 375.007, RSMo 1994, relating to cancellation of residential insurance policies, and to enact in lieu thereof five new sections relating to the same subject.

**SB 678**-By Schneider.

An Act to repeal sections 56.085, 479.150 and 550.120, RSMo 1994, and sections 43.503, 67.133, 303.041, 452.556, 455.040, 455.050, 455.205, 482.330, 483.500, 514.440, 534.070 and 610.105, RSMo Supp. 1999, relating to court procedures, and to enact in lieu thereof fifteen new sections relating to the same subject.

**SB 679**-By Schneider.

An Act to repeal section 483.245, RSMo 1994, and to enact in lieu thereof one new section relating to circuit courts, with an effective date.

**SB 680**-By Russell.

An Act to repeal sections 545.890, 545.900 and 545.920, RSMo 1994, relating to the right to a speedy trial, and to enact in lieu thereof two new sections relating to the same subject.

**SB 681**-By Russell.

An Act to amend chapter 208, RSMo, relating to old age assistance, aid to dependent children and general relief, by adding thereto one new section relating to school attendance.

**SB 682**-By Russell.

An Act to amend Chapter 537, RSMo, relating to torts and actions for damages by adding thereto one new section relating to volunteer liability.

**SB 683**-By Childers.

An Act to repeal section 304.580, RSMo 1994, relating to construction zones, and to enact in lieu thereof one new section relating to the same subject.

**SB 684**-By Childers.

An Act to repeal sections 490.715 and 537.067, RSMo 1994, relating to civil damage awards, and to enact in lieu thereof three new sections relating to the same subject.

**SB 685**-By Bland.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control, with penalty provisions.

**SB 686**-By Bland.

An Act to amend chapter 376, RSMo, relating to health insurance, by adding thereto one new section relating to mandatory coverage for hospital stays following surgery.

**SB 687**-By Bland.

An Act to repeal sections 143.191, 143.201, 143.211 and 143.241, RSMo 1994, and section 143.221, RSMo Supp. 1999, relating to taxation, and to enact in lieu thereof eighteen new sections for the purpose of establishing a general assembly scholarship program, with an effective date.

**SB 688**-By Bland.

An Act to repeal section 630.405, RSMo Supp. 1999, relating to mental health patient services, and to enact in lieu thereof one new section relating to the same subject.

**SB 689**-By Bland.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college admissions policies.

**SB 690**-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational programs.

**SB 691**-By Bland.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to right of access by a landlord to a lessee's premises.

**SB 692**-By Kinder and Wiggins.

An act to repeal section 42.100, RSMo 1994, relating to Missouri veterans' homes, and to enact in lieu thereof one new section relating to the same subject.

**SB 693**-By Maxwell, DePasco and Bentley.

An Act to amend chapter 407, RSMo, by adding thereto seven new sections relating to telecommunications.

**SB 694**-By Maxwell.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to tax benefits for commodity contributions.

**SB 695**-By Sims.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 696**-By Sims.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 697**-By Schneider.

An Act to repeal sections 14.010, 14.020, 14.030, 59.020, 59.041, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.080, 483.082, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 1994, and sections 50.333 and 483.083, RSMo Supp. 1999, relating to the appointment of certain judicial personnel, and to enact in lieu thereof thirty-one new sections relating to the same subject.

**SB 698**-By Bland.

An Act to repeal section 160.415, RSMo Supp. 1999, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

**SB 699**-By Bland.

An Act to repeal sections 354.443 and 354.618, RSMo Supp. 1999, relating to protection of health care consumers, and to enact in lieu thereof four new sections relating to the same subject.

**SB 700**-By Caskey.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to facilities of Central Missouri State University.

**SB 701**-By Wiggins.

An Act to amend chapters 188 and 301, RSMo, by adding thereto three new sections relating to the promotion of alternatives to abortion.

**SB 702**-Withdrawn.

**SB 703**-By Steelman.

An Act to repeal section 34.140, RSMo Supp. 1999, relating to surplus property, and to enact in lieu thereof one new section relating to the same subject.

**SB 704**-By Kinder.

An Act to repeal section 21.750, RSMo 1994, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

**SB 705**-By Maxwell.

An Act to repeal section 413.225, RSMo Supp. 1999, relating to weights and measures, and to enact in lieu thereof one new section relating to the same subject.

**SB 706**-By Schneider.

An Act to repeal section 516.500, RSMo 1994, relating to court procedures.

**SB 707**-By Singleton.

An Act to repeal section 565.082, RSMo 1994, relating to crimes against law enforcement officers, and to enact in lieu thereof two new sections relating to the same subject with penalty provisions.

**SB 708**-By DePasco.

An Act to repeal section 577.070, RSMo 1994, relating to littering, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 709**-By DePasco.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to a permanent memorial for workers killed or injured on the job.

**SB 710**-By DePasco.

An Act to repeal section 144.030, RSMo Supp. 1999, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

**SB 711**-By DePasco.

An Act to repeal section 306.010, RSMo Supp. 1999, relating to personal watercraft, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

**SB 712**-By DePasco.

An Act to repeal section 137.115, RSMo Supp. 1999, relating to assessment and levy of property taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 713**-By Schneider.

An Act to repeal sections 512.180 and 512.190, RSMo 1994, relating to court procedures, and to enact in lieu thereof one new section relating to the same subject.

**SB 714**-By Schneider.

An Act to repeal section 287.160, RSMo Supp. 1999, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

**SB 715**-By Schneider.

An Act to repeal sections 302.535 and 479.500, RSMo Supp. 1999, relating to court procedures, and to enact in lieu thereof two new sections relating to the same subject.

**SB 716**-By Bentley.

An Act to repeal section 144.140, RSMo 1994, relating to the video instructional development and educational opportunity program, and to enact in lieu thereof two new sections relating to the same subject.

**SB 717**-By Schneider and Flotron.

An Act to repeal section 105.955, RSMo Supp. 1999, relating to the electronic reporting of public financial reports, and to enact in lieu thereof one new section relating to the same subject.

**SB 718**-By Schneider, Flotron and Goode.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the Missouri ethics commission.

**SB 719**-By Wiggins, Quick, DePasco, Bland and Mathewson.

An Act to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

**SB 720**-By Caskey.

An Act to repeal section 149.071, RSMo 1994, relating to the sale of cigarettes, and to enact in lieu thereof one new section relating to the same subject.

**SB 721**-By Caskey.

An Act to repeal section 209.251, 209.253, 209.255, 209.258 and 209.259, RSMo Supp. 1999, relating to telecommunications for persons with disabilities, and to enact in lieu thereof five new sections relating to the same subject.

**SB 722**-By Caskey.

An Act to repeal section 452.400, RSMo Supp. 1999, relating to visitation rights, and to enact in lieu thereof one new

section relating to the same subject.

**SB 723**-By Goode.

An Act to amend chapter 252, RSMo, by adding thereto five new sections relating to invasive species management.

**SB 724**-By Rohrbach.

An Act to repeal section 67.1003, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof one new section relating to the same subject.

**SB 725**-By Graves.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to roadside maintenance.

**SB 726**-By Clay.

An Act relating to collective bargaining rights for certain public school employees.

**SB 727**-By Goode and Bentley.

An Act to repeal section 610.021, RSMo Supp. 1999, relating to records of municipal utilities, and to enact in lieu thereof one new section relating to the same subject.

**SB 728**-By Flotron and Klarich.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Shriners license plate.

**SB 729**-By House.

An Act to repeal sections 105.269, 160.400, 160.405 and 160.420, RSMo Supp. 1999, relating to charter schools, and to enact in lieu thereof four new sections relating to the same subject.

**SB 730**-By Graves.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to authorized work programs for inmates.

**SB 731**-By Bentley.

An Act to repeal section 301.451, RSMo Supp. 1999, relating to specialized license plates, and to enact in lieu thereof one new section relating to the same subject.

**SB 732**-By Schneider.

An Act to amend chapter 33, RSMo, by adding thereto sixteen new sections relating to procedures and remedies for reporting and recovery of public funds lost to fraud.

**SB 733**-By Maxwell.

An Act to repeal section 52.260, RSMo 1994, and sections 138.395 and 163.031, RSMo Supp. 1999, relating to ad valorem property tax collections, and to enact in lieu thereof four new sections relating to the same subject, with effective dates for certain sections.

**SB 734**-By Stoll.

An Act to repeal section 294.011, RSMo Supp. 1999, relating to the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 735**-By Singleton and Westfall.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to unsolicited consumer telephone calls, with penalty provisions.

**SB 736**-By Sims and Ehlmann.

An Act to repeal sections 192.020 and 196.225, RSMo 1994, relating to immunization, and to enact in lieu thereof three new sections relating to the same subject.

**SB 737**-By House.

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to certain sentencing provisions.

**SB 738**-By Maxwell and Kinder.

An Act to repeal section 217.560, RSMo 1994, relating to the vocational enterprises program, and to enact in lieu thereof one new section relating to the same subject.

**SB 739**-By Maxwell.

An Act to repeal section 320.094, RSMo Supp. 1999, relating to the fire education fund, and to enact in lieu thereof one new section relating to the same subject.

**SB 740**-By Wiggins.

An Act to repeal section 29.230, RSMo Supp. 1999, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

**SB 741**-By Maxwell.

An Act to repeal sections 644.566, 644.568 and 644.570 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450 of the first regular session of the ninetieth general assembly, and sections 644.566, 644.568 and 644.570 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 and 82 of the first regular session of the ninetieth general assembly, relating to issuance of bonds for water pollution and storm water control, and to enact in lieu thereof six new sections relating to the same subject.

**SB 742**-By Klarich and Goode.

An Act to repeal section 537.675, RSMo Supp. 1999, relating to the tort victims' compensation fund, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 743**-By Klarich.

An Act to repeal section 135.095, RSMo Supp. 1999, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

**SB 744**-By Klarich.

An Act to repeal section 451.022, RSMo Supp. 1999, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.



**SB 745-**By Goode.

An Act to repeal section 386.570, RSMo 1994, relating to the public service commission, and to enact in lieu thereof one new section relating to the same subject.

**SB 746-**By Johnson.

An Act to repeal section 320.091, RSMo 1994, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

**SB 747-**By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage.

**SB 748-**By Johnson.

An Act to repeal section 163.172, RSMo Supp. 1999, relating to minimum teacher's salary supplements, and to enact in lieu thereof one new section relating to the same subject.

**SB 749-**By Rohrbach.

An Act to repeal section 64.180, RSMo 1994, relating to building codes in certain counties, and to enact in lieu thereof one new section relating to the same subject.

**SB 750-**By Rohrbach.

An Act to repeal sections 444.784 and 643.055, RSMo 1994, sections 260.225, 260.370, 444.380 and 644.026, RSMo Supp. 1999, and section 319.137 as enacted by senate bill no. 3 and by house bill no. 251, first regular session of the eighty-eighth general assembly, relating to environmental protection, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 751-**By Clay.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to the establishment of the birth and adoption unemployment compensation program, with an effective date.

**SB 752-**By Clay.

An Act to repeal sections 162.581, 162.601 and 162.611, RSMo Supp. 1999, relating to qualification and election of school board members in cities not within a county, and to enact in lieu thereof three new sections relating to the same subject.

**SB 753-**By DePasco.

An Act to repeal section 82.300, RSMo 1994, relating to constitutional charter cities, and to enact in lieu thereof one new section relating to the same subject.

**SB 754-**By Graves.

An Act to repeal section 165.011, RSMo Supp. 1999, relating to placement of school funds, and to enact in lieu thereof one new section relating to the same subject.

**SB 755-**By Stoll.

An Act to repeal section 169.070, RSMo Supp. 1999, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 756**-By Caskey.

An Act to repeal section 273.327, 273.333 and 273.357, RSMo 1994, relating to animal care facilities, and to enact in lieu thereof three new sections relating to the same subject.

**SB 757**-By Maxwell.

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.067, 573.010, 573.025, 573.035, 573.037, 573.050 and 660.520, RSMo 1994, and sections 210.109, 210.115, 210.150 and 559.115, RSMo Supp. 1999, and to enact in lieu thereof nineteen new sections relating to the protection of children, with penalty provisions.

**SB 758**-By Maxwell.

An Act to repeal sections 537.525, 541.033, 542.281, 565.090, 565.225, 568.110, 569.070, 569.093, 569.094, 569.095, 569.097, 569.099, 573.010, 573.025, 573.035, 573.037 and 573.050, RSMo 1994, and sections 556.036 and 565.253, RSMo Supp. 1999, relating to computer crime, and to enact in lieu thereof twenty-four new sections relating to the same subject.

**SB 759**-By Klarich.

An Act to amend chapter 8, RSMo, by adding thereto five new sections relating to state buildings and lands.

**SB 760**-By Klarich.

An Act to repeal section 55.010, RSMo 1994, relating to certain county auditors, and to enact in lieu thereof one new section relating to the same subject.

**SB 761**-By Schneider.

An Act to repeal section 537.675, RSMo Supp. 1999, relating to the tort victims' compensation fund, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 762**-By Russell.

An Act to repeal sections 137.075, 430.400, 430.403, 430.405 and 430.407, RSMo 1994, relating to fabricators and stampers, and to enact in lieu thereof six new sections relating to the same subject.

**SB 763**-By Howard.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to telemarketing.

**SB 764**-By Kenney, Klarich, Kinder, Flotron, Ehlmann, Bentley, Russell, Graves, Childers, Singleton and Steelman.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

**SB 765**-By Kenney.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

**SB 766**-By Sims.

An Act to repeal sections 167.164 and 167.171, RSMo Supp. 1999, relating to alternative education, and to enact in lieu thereof two new sections relating to the same subject.

**SB 767**-By Scott.

An Act to repeal section 84.160, RSMo Supp. 1999, relating to compensation for police officers in certain cities, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 768**-By Stoll.

An Act to repeal section 409.107, RSMo 1994, relating to the regulation of securities, and to enact in lieu thereof one new section relating to the same subject.

**SJR 30**-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials, and adopting one new section in lieu thereof relating to the same subject.

**SJR 31**-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

**SJR 32**-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article V of the Constitution of Missouri relating to courts, and adopting one new section in lieu thereof relating to the same subject.

**SJR 33**-By Banks.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri relating to senior citizens tax relief, and adopting one new section in lieu thereof relating to the same subject.

**SJR 34**-Staples.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

**SJR 35**-By Goode, Flotron, Scott, Singleton, Sims, Ehlmann, Westfall, Kinder, Banks, and Rohrbach.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials.

**SJR 36**-By Flotron.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri relating to the disposition of funds relating to certain legal settlements.

**SJR 37**-By Johnson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri by adding thereto one new section relating to transportation.

**SJR 38**-By Ehlmann.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article I of the

Constitution of Missouri relating to the establishment of religion, and adopting one new section in lieu thereof relating to the same subject.

**SJR 39**-By Childers.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

**SJR 40**-By Childers.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri relating to the public service commission.

**SJR 41**-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

**SJR 42**-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 5 and 7 of article I and section 8 of article IX of the Constitution of Missouri relating to religious freedom, and adopting three new sections in lieu thereof relating to the same subject.

**SJR 43**-By Bland and Maxwell.

Joint Resolution to ratify a proposed amendment to the Constitution of the United States.

**SJR 44**-By Scott and Mueller.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32 (a) and 32 (b) of article VI of the Constitution of Missouri, relating to the city of St. Louis, and adopting two new sections in lieu thereof relating to the same subject.

**SJR 45**-By House.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

## **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 769**-By DePasco and Wiggins.

An Act to repeal section 84.610, RSMo 1994, relating to the Kansas City police department, and to enact in lieu thereof one new section relating to the same subject.

**SB 770**-By DePasco.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to sound amplification systems in motor vehicles.

**SB 771**-By DePasco.

An Act to amend chapter 415, RSMo, relating to self-service storage facilities by adding thereto one new section relating to late fees.

**SB 772**-By Goode.

An Act to amend chapters 8 and 327, RSMo, by adding thereto eleven new sections relating to the procurement of services for state construction projects, with an expiration date for certain sections.

**SB 773**-By Caskey.

An Act to repeal section 571.030, RSMo Supp. 1999, relating to concealed weapons, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 774**-By Caskey.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to drug courts.

**SB 775**-By Mueller.

An Act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

**SB 776**-By Mueller.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

**SB 777**-By Steelman.

An Act to amend chapter 172, RSMo, by adding thereto two new sections relating to science education.

**SB 778**-By Staples.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to reimbursement for voice mail calls.

**SJR 46**-By Goode, Childers, Mathewson, Kinder, Maxwell and Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to utility taxation and adopting one new section relating to the same subject.

## **RESOLUTIONS**

Senator Wiggins offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 1003**

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to recognize the lifetime achievements of an outstanding individual who positively touched the lives of countless others during his brief journey on this most precious earth; and

WHEREAS, this legislative body was distressed to learn of the recent death of Thomas Michael Murphy, a remarkable individual who was an inspiration to all who knew and loved him; and

WHEREAS, Thomas Murphy lived in Overland Park, Kansas, until December 28, 1999, when God took him home to the love and beauty of His everlasting light; and

WHEREAS, a graduate of Saint Ignatius College Prep and the University of San Francisco, Thomas Murphy proudly served as principal at

Rockhurst High School for the past five years, prior to which he taught for fifteen years at St. Ignatius, where he left as Assistant Principal of Academics in 1995; and

WHEREAS, Thomas Murphy will be greatly missed by his grieving family which includes his loving wife, Lisa Murphy; one daughter, Lauren Paige Murphy; his mother, Ann Marie Murphy; and two brothers, John Murphy and Michael Murphy; and

WHEREAS, Thomas Murphy had also nurtured a very special relationship of love and devotion with other members of his family who preceded him in death, including his father, Christopher Murphy; and three siblings, Christopher, Ann Marie, and Joseph; and

WHEREAS, it is indeed appropriate and most fitting for this legislative body to honor the memory of Thomas Murphy, who leaves behind a memorable legacy as a dedicated family man, true friend, and a person of unbounded vision who zealously supported many significant endeavors throughout his life:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in paying final tribute to Thomas Murphy, and further extend to his family our deepest sympathy at this time of tremendous personal loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the family of the late Thomas Michael Murphy and for Rockhurst High School.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1004

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone achievements in the careers of Show-Me State residents who have established an enviable record of spiritual service as leaders in religious institutions; and

WHEREAS, Rabbi Michael R. Zedek of Kansas City, Missouri, has reached the dual milestones of the Twenty-fifth Anniversary of his ordination as a Rabbi in June of 1974, and the Twenty-fifth Anniversary of his arrival at The Temple, Congregation B'nai Jehudah, as an Assistant Rabbi in July of 1974; and

WHEREAS, soon after his arrival at Temple B'nai Jehudah, Rabbi Zedek advanced in duties and responsibilities to the positions of Associate Rabbi in 1976 and Senior Rabbi in 1977, at which time he enjoyed universal acclaim as the youngest rabbi in the United States to head a congregation the size of B'nai Jehudah with its 1,900 families in the greater Kansas City area; and

WHEREAS, born in Brooklyn, New York, in 1946, Rabbi Zedek attended high school in Albany, graduated Phi Beta Kappa and "Outstanding Senior" from Hamilton College in Clinton in 1968 with a major in the philosophy of religion, and received an honoris causa Doctor of Divinity degree from Hebrew Union College-Jewish Institute of Religion in Cincinnati, Ohio, in 1999; and

WHEREAS, a Danforth Graduate Fellow and Fulbright Scholar, Rabbi Zedek has long been involved in educational pursuits through venues as a creative writing and English teacher; director of the Utica Tutorial Project and Freedom School; high school and confirmation instructor at Isaac M. Wise Temple in Cincinnati; co-author of an experimental third-grade religious school curriculum; and Dean of Students at the National Academy of the National Federation of Temple Youth in Warwick, New York; among others; and

WHEREAS, Rabbi Zedek is married to the former Karen Gilbert and has two daughters, Susan and Betsy, who are justifiably proud of his award-winning accomplishments in religious, academic, and community sectors of service:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the life and work of Rabbi Michael R. Zedek and to congratulate him upon attaining twenty-five years as an ordained rabbi serving the congregation of Temple B'nai Jehudah; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution in honor of Rabbi Michael R. Zedek and The Temple, Congregation B'nai Jehudah.

Senator DePasco requested unanimous consent of the Senate to strike **SB 534; SB 535; SB 536; SB 605** and **SJR 33** from the Calendar, which request was granted.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 2**.

#### HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninetieth General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

#### HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninetieth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, January 11, 2000, to receive a message from His Honor William Ray Price, Jr., the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninetieth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

#### HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninetieth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 19, 2000, to receive a message from His Excellency, the Honorable Mel Carnahan, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and the Senate of the Ninetieth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

### COMMUNICATIONS

The following was received:

December 14, 1999

The Honorable Mel Carnahan

Governor of the State of Missouri

Room 216, State Capitol

Jefferson City, Missouri 65101

Dear Governor Carnahan:

It is with deep regret and after great consternation, I hereby tender my resignation as Senator for the 5th Senatorial District, State of Missouri, effective December 15, 1999. As a result of health related reasons and upon the advice of my doctors, I can no longer represent the people of my district in the manner that they expect and deserve.

It has been an honor and a pleasure to serve the citizens in our great state for the past 32 years, and it has been especially rewarding to represent my constituents in the 5th Senatorial District.

Finally, it has been a personal pleasure to serve with you and the other members of the Democratic Party in our quest to provide the quality of representation that the citizens of Missouri so aptly merit. I will miss and remember, with great fondness, the battles that we have won and loss, but always righteously fought on behalf of our constituency.

I wish you the best of luck and continued success as Governor.

Respectfully submitted,

/s/ J.B. "Jet" Banks

Senator J. B. "Jet" Banks

Fifth Senatorial District

c: Honorable Edward Quick

President Pro Tem, Missouri Senate

Mrs. Terry L. Spieler

Secretary of the Senate

## **INTRODUCTIONS OF GUESTS**

Senator Wiggins introduced to the Senate, Vernon Debo, Kansas City.

Senator Rohrbach introduced to the Senate, Rita Marcum, Jefferson City.

Senator Singleton introduced to the Senate, Beth Kelch and Jerilyn Dennis, Joplin.

Senator Wiggins introduced to the Senate, Jeff Simon, Kansas City.

Senator Quick introduced to the Senate, his wife, Jane, Liberty.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 6, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl G. Gauck offered the following prayer:

Gracious God, King of the Universe: Today we remember the Christian celebration of the Epiphany and the various ways You made Yourself known to people of every expression of faith on this tiny planet. You have manifested Your presence so all may know You and in so doing taught us Your will for us to follow and Your requirements to seek ways to promote justice. And we pray that this weekend finds us safe with loved ones and for those ill that Your healing power may provide healing and health once again. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Scott--1

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1005, regarding Melba J. Swope, Cuba, which was adopted.

Senator Wiggins offered Senate Resolution No. 1006, regarding the death of Michael A. Rieke, Kansas City, which was adopted.

Senator Mathewson offered Senate Resolution No. 1007, regarding the One Hundredth Birthday of Mrs. Ruby Hatfield, Richmond, which was adopted.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1008

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1009

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred twenty-five dollars (\$825.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his or her office, the expenses of same to be paid out of the contingent fund of the Senate.

Senators Flotron, Kenney, Sims, Yeckel, Klarich, Westfall, Bentley and Ehlmann offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1010

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone achievements in the careers of Show-Me State professional sports figures; and

WHEREAS, Kurt Warner of the St. Louis Rams football team was the overwhelming choice for the National Football League's "Most Valuable Player" award as selected by a national panel of fifty media members of The Associated Press; and

WHEREAS, originally a Rams backup quarterback with hard-earned Arena League and NFL Europe experience, Kurt Warner rose from relative obscurity to replace free agent Trent Green who injured a knee during the first preseason game; and

WHEREAS, a player with an aggressive style, Kurt Warner led the NFL Europe league in passing in 1998 with Amsterdam after spending three years with Iowa of Arena Football; and

WHEREAS, Kurt Warner's exemplary experience in other leagues served him in good stead when the opportunity came his way to play for the St. Louis Rams and throw forty-one touchdowns this past season, a statistic which places him in the rarified company of only one other player, the great Dan Marino; and

WHEREAS, while leading the Rams to a 13-3 season, Kurt Warner completed 325 of 499 passes for 4,353 yards with only 13 interceptions, a 65.1 percent completion rate and 109.2 rating that easily led the league in the 1999 season; and

WHEREAS, Kurt Warner received thirty-three votes for MVP in sharp contrast to the eight each received by fellow teammate Marshall Faulk and Indianapolis quarterback Peyton Manning, and the one vote cast for Colts running back, Edgerrin James; and

WHEREAS, twenty-eight-year-old Kurt Warner is active off the sporting field with volunteer work for the physically challenged and with other charitable endeavors:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the stellar professional labors of sensational quarterback Kurt Warner and to extend our sincerest congratulations upon his selection as the NFL Most Valuable Player; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of St. Louis Rams quarterback Kurt Warner.

Senator DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1011

WHEREAS, the members of the Missouri Senate wish to express their thanks to those Show-Me State organizations which assisted with the 1999 Southern Legislative Conference; and

WHEREAS, held this year in Kansas City, Missouri, the Southern Legislative Conference was hosted by the Missouri General Assembly and drew participants from all across the United States; and

WHEREAS, in addition to state legislators and others with an interest in state governance, the Southern Legislative Conference attracted many spouses and children of elected officials; and

WHEREAS, the Missouri Amusement Machine Operators Association (MAMOA) donated amusement machine games for the family center which provided entertainment and an enjoyable haven for those who accompanied their spouses or parents to the conference; and

WHEREAS, MAMOA deserves to be congratulated for providing a responsible means of enjoyment for persons of all ages; and

WHEREAS, the Missouri Amusement Machine Operators Association is dedicated to ensuring that amusement games provide pure clean family fun and entertainment; and

WHEREAS, descriptive labeling on the machines donated by the Missouri Amusement Machine Operators Association conformed to the "Guide to Coin-Operated Video Games" as published by the American Amusement Machine Association and the Amusement and Music Operators Association; and

WHEREAS, such labeling provides parents and other caregivers with advisory disclosure messages which assist adults in the determination of age-appropriateness for children engaged in the playing of coin-operated video games found in publicly accessible locations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the efforts and time donated by the Missouri Amusement Machine Operators Association to the 1999 Southern Legislative Conference and to offer this legislative body's commendation to it for assisting in making sure the event was enjoyable for all; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Amusement Machine Operators Association.

**CONCURRENT RESOLUTIONS**

Senators Clay and Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, Nathaniel J. "Nat" Rivers served the people of the City of St. Louis as a member of the Missouri House of Representatives beginning in 1969, and he continued to serve for the next fourteen years; and

WHEREAS, Nat Rivers was born in Cache, Illinois and educated at Sumner High School in Cairo, Illinois, Southern Illinois University at Carbondale and St. Louis University; and

WHEREAS, Nat Rivers, a real estate and insurance broker, was very active in his community, and served on the Board of Directors of Mid-City Rental Company, Union Sarah Community Corporation, West Side Redevelopment Corporation, West End Congress, Union-Sarah Economic Development Corporation and West Side Community Gardens; and

WHEREAS, Nat Rivers was recognized for his contributions to the St. Louis community through numerous awards, including the St. Louis Citizens Award in Community Service in 1979, the Harris-Stowe College Award in recognition for his concern for Higher Education and Human Development in 1978, and the Dr. Martin Luther King Jr. Human Rights Award in 1979; and

WHEREAS, such awards only begin to recognize Nat Rivers' true accomplishments and contributions to the citizens of St. Louis and the State of Missouri; and

WHEREAS, the most appropriate way to recognize an individual of Nat Rivers' stature is to name a public building after him; and

WHEREAS, the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, has no proper name; and

WHEREAS, this St. Louis Central Office provides much needed community services to persons in the St. Louis area, including job service and development, job corps, work opportunity and welfare-to-work information, job training assistance, veterans service and unemployment benefit information; and

WHEREAS, Nat Rivers' contributions and service to the community of St. Louis are exemplary and distinguished:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, proclaims that the St. Louis Central Office of the Division of Workforce Development, located at 4811 Delmar Boulevard in the City of St. Louis, be hereby named the "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development", and that a sign or signs of appropriate size, lettering and design be constructed and placed on said office property with the name "Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development" on said sign, which shall be readily legible from the street; and

BE IT FURTHER RESOLVED that the Director of the Department of Economic Development shall promptly notify those members of the General Assembly whose constituents are served by the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development, the Secretary of the Senate and the Clerk of the House of Representatives with the date in which said sign or signs are to be placed on the property; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare properly inscribed copies of this resolution for the Director of the Department of Economic Development and the Office of Administration.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 779**-By Mathewson and Johnson.

An Act to repeal sections 407.850 and 407.870, RSMo 1994, relating to farm machinery inventory repurchase, and to enact in lieu thereof two new sections relating to the same subject.

**SB 780**-By Mathewson.

An Act to repeal section 367.100, RSMo 1994, and sections 408.100 and 443.849, RSMo Supp. 1999, relating to loans, and to enact in lieu thereof three new sections relating to the same subject.

## CONCURRENT RESOLUTIONS

Senator Staples offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, Robert Ward served the citizenry of District 107 as a member of the Missouri House of Representatives from 1982 to 1996; and

WHEREAS, Robert Ward's commitment to public service was exemplified by his tenure in the Missouri House of Representatives, where he served as Majority Floor Leader from 1991 to 1994 and as Majority Whip from 1987 to 1990:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, do hereby instruct the Missouri Highway Commission and the Department of Transportation to take action immediately to name a section of Route 32, St. Francois County, from west of Route B (Park Hill) to 0.4 miles west of Route 67 (Leadington), with a total length of 3.5 miles, the "State Representative Bob Ward Highway", to honor Robert Ward for his many years of commitment to public service; and

BE IT FURTHER RESOLVED that the designation of the State Representative Bob Ward Highway be completed no later than July 15, 2000; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Robert Ward, the Missouri Highway Commission and the Department of Transportation.

Senator DePasco moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 1** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Johnson

Schneider--2

Absent with leave--Senators

Mueller

Scott--2

Vacancies--1

Senator DePasco moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 2** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators

Mueller

Scott--2

Vacancies--1

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 781**-By Goode.

An Act to amend chapter 393, RSMo, by adding thereto twenty-four new sections relating to retail choice in electric service.

**SB 782**-By Westfall, Singleton and Kenney.

An Act to repeal sections 302.309, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic

offenses, and to enact in lieu thereof three new sections relating to the same subject.

**SB 783**--By Sims.

An Act to repeal section 170.250, RSMo Supp. 1999, relating to video instructional development and educational opportunity program, and to enact in lieu thereof one new section relating to the same subject.

**SB 784**--By Sims.

An Act to repeal section 34.055, RSMo 1994, and section 33.080, RSMo Supp. 1999, relating to state funds, and to enact in lieu thereof two new sections relating to the same subject.

**SB 785**--By Stoll and Maxwell.

An Act to repeal sections 163.011 and 163.031, RSMo Supp. 1999, relating to state aid for public schools, and to enact in lieu thereof two new sections relating to the same subject.

**SB 786**--By Clay.

An Act to amend chapter 408, RSMo, by adding thereto ten new sections relating to home loans, with a delayed effective date.

**SB 787**--By Childers, Russell and Mathewson.

An Act to repeal section 320.094, RSMo Supp. 1999, relating to emergency services, and to enact in lieu thereof two new sections relating to the same subject.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 528**--Financial and Governmental Organi-zation.

**SB 529**--Local Government and Economic Development.

**SB 530**--Aging, Families and Mental Health.

**SB 531**--Ways and Means.

**SB 533**--Judiciary.

**SB 537**--Civil and Criminal Jurisprudence.

**SB 538**--Financial and Governmental Organi-zation.

**SB 539**--Education.

**SB 540**--Local Government and Economic Development.

**SB 541**--Transportation.

**SB 542**--Local Government and Economic Development.

**SB 543**--Judiciary.

**SB 544**--Transportation.

**SB 545**--Transportation.

**SB 546**--Civil and Criminal Jurisprudence.

**SB 547**--Labor and Industrial Relations.

**SB 548**--Pensions and General Laws.

**SB 549**--Pensions and General Laws.

**SB 550**--Ways and Means.

**SB 551**--Civil and Criminal Jurisprudence.

**SB 552**--Local Government and Economic Development.

**SB 553**--Insurance and Housing.

**SB 554**--Civil and Criminal Jurisprudence.

**SB 555**--Commerce and Environment.

**SB 556**--Financial and Governmental Organi-zation.

**SB 557**--Insurance and Housing.

**SB 558**--Agriculture, Conservation, Parks and Tourism.

**SB 559**--Agriculture, Conservation, Parks and Tourism.

**SB 560**--Aging, Families and Mental Health.

**SB 561**--Pensions and General Laws.

**SB 562**--Education.

**SB 563**--Financial and Governmental Organi-zation.

**SB 564**--Elections, Veterans' Affairs and Corrections.

**SB 565**--Financial and Governmental Organi-zation.

**SB 566**--Financial and Governmental Organi-zation.

**SB 567**--Civil and Criminal Jurisprudence.

**SB 568**--Transportation.

**SB 569**--Labor and Industrial Relations.

**SB 570**--Public Health and Welfare.

**SB 571**--Labor and Industrial Relations.

**SB 572**--Ways and Means.

**SB 573**--Education.

**SB 574**--Insurance and Housing.

**SB 575**--Ways and Means.

**SB 576**--Aging, Families and Mental Health.

**SB 577**--Commerce and Environment.

**SB 578**--Civil and Criminal Jurisprudence.

**SB 579**--Civil and Criminal Jurisprudence.

**SB 580**--Civil and Criminal Jurisprudence.

**SB 581**--Ways and Means.

**SB 582**--Ways and Means.

**SB 583**--Education.

**SB 584**--Education.

**SB 585**--Ways and Means.

**SB 586**--Ways and Means.

**SB 587**--Pensions and General Laws.

**SB 588**--Insurance and Housing.

**SB 589**--Labor and Industrial Relations.

**SB 590**--Civil and Criminal Jurisprudence.

**SB 591**--Education.

**SB 592**--Ways and Means.

**SB 593**--Insurance and Housing.

**SB 594**--Pensions and General Laws.

**SB 595**--Ways and Means.

**SB 596**--Agriculture, Conservation, Parks and Tourism.

**SB 597**--Public Health and Welfare.

**SB 598**--Aging, Families and Mental Health.

**SB 599**--Ways and Means.

**SB 600**--Labor and Industrial Relations.

**SB 601**--Judiciary.



**SB 602**--Public Health and Welfare.

**SB 603**--Aging, Families and Mental Health.

**SB 604**--Ways and Means.

**SB 606**--Insurance and Housing.

**SB 607**--Transportation.

**SB 608**--Ways and Means.

**SB 609**--Local Government and Economic Development.

**SB 610**--Transportation.

**SB 611**--Civil and Criminal Jurisprudence.

**SB 612**--Commerce and Environment.

**SB 613**--Transportation.

**SB 614**--Insurance and Housing.

**SB 615**--Transportation.

**SB 616**--Pensions and General Laws.

**SB 617**--Public Health and Welfare.

**SB 618**--Commerce and Environment.

**SB 619**--Local Government and Economic Development.

**SB 620**--Ways and Means.

**SB 621**--Judiciary.

**SB 622**--Aging, Families and Mental Health.

**SB 623**--Ways and Means.

**SB 624**--Local Government and Economic Development.

**SB 625**--Education.

**SB 626**--Education.

**SB 627**--Pensions and General Laws.

**SB 628**--Transportation.

**SB 629**--Transportation.

**SB 630**--Education.

**SB 631**--Insurance and Housing.

**SB 632**--Civil and Criminal Jurisprudence.

**SB 633**--Transportation.

**SB 634**--Agriculture, Conservation, Parks and Tourism.

**SB 635**--Ways and Means.

**SB 636**--Agriculture, Conservation, Parks and Tourism.

**SB 637**--Local Government and Economic Development.

**SB 638**--Ways and Means.

**SB 639**--Aging, Families and Mental Health.

**SB 640**--Aging, Families and Mental Health.

**SB 641**--Judiciary.

**SB 642**--Pensions and General Laws.

**SB 643**--Insurance and Housing.

**SB 644**--Ways and Means.

**SB 645**--Insurance and Housing.

**SB 646**--Public Health and Welfare.

**SB 647**--Transportation.

**SB 648**--Judiciary.

**SB 649**--Ways and Means.

**SB 650**--Insurance and Housing.

**SB 651**--Ways and Means.

**SB 652**--Transportation.

**SB 653**--Local Government and Economic Development.

**SB 654**--Education.

**SB 655**--Civil and Criminal Jurisprudence.

**SB 656**--Ways and Means.

**SB 657**--Agriculture, Conservation, Parks and Tourism.

**SB 658**--Ways and Means.

**SB 659**--Education.

**SB 660**--Education.

**SB 661**--Insurance and Housing.

**SB 662**--Insurance and Housing.

**SB 663**--Aging, Families and Mental Health.

**SB 664**--Judiciary.

**SB 665**--Insurance and Housing.

**SB 666**--Judiciary.

**SB 667**--Public Health and Welfare.

**SB 668**--Ways and Means.

**SB 669**--Financial and Governmental Organi-zation.

**SB 670**--Public Health and Welfare.

**SB 671**--Civil and Criminal Jurisprudence.

**SB 673**--Judiciary.

**SB 674**--Agriculture, Conservation, Parks and Tourism.

**SB 675**--Judiciary.

**SB 676**--Local Government and Economic Development.

**SB 677**--Insurance and Housing.

**SB 678**--Judiciary.

**SB 679**--Judiciary.

**SB 680**--Judiciary.

**SB 681**--Public Health and Welfare.

**SB 682**--Judiciary.

**SB 683**--Civil and Criminal Jurisprudence.

**SB 684**--Judiciary.

**SB 685**--Public Health and Welfare.

**SB 686**--Insurance and Housing.

**SB 687**--Ways and Means.

**SB 688**--Aging, Families and Mental Health.

**SB 689**--Education.

**SB 690**--Education.

**SB 691**--Insurance and Housing.

**SB 692**--Elections, Veterans' Affairs and Corrections.

**SB 693**--Commerce and Environment.

**SB 694**--Agriculture, Conservation, Parks and Tourism.

**SB 695**--Ways and Means.

**SB 696**--Ways and Means.

**SB 697**--Judiciary.

**SB 698**--Education.

**SB 699**--Insurance and Housing.

**SJR 30**--Pensions and General Laws.

**SJR 31**--Judiciary.

**SJR 32**--Judiciary.

**SJR 34**--Judiciary.

**SJR 35**--Pensions and General Laws.

**SJR 36**--Pensions and General Laws.

**SJR 37**--Transportation.

**SJR 38**--Civil and Criminal Jurisprudence.

**SJR 39**--Education.

**SJR 40**--Commerce and Environment.

**SJR 41**--Education.

**SJR 42**--Civil and Criminal Jurisprudence.

**SJR 43**--Judiciary.

**SJR 44**--Local Government and Economic Development.

**SJR 45**--Education.

## **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 788**--By Johnson.

An Act to repeal section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, relating to public officers and employees, and to enact in lieu thereof two new sections relating to the same subject.

MISCELLANEOUS

Senator Quick submitted the following:

SENATE HEARING SCHEDULE

90TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

JANUARY 6, 2000

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce & Environment-SL (Maxwell)	Civil & Criminal Jurisprudence-SCR 2 (Caskey)	Rules, Jt. Rules & Resolutions-SL (DePasco)
9:00 a.m.		Aging, Families & Mental Health-SCR 2 (Howard)	Gubernatorial Appointments - SL (Quick)	
11:00 a.m.		Labor & Ind. Relations-SCR 1 (Bland)	Elections, Veterans' Affairs & Corr.-SCR 1 (Stoll)	
1:30 p.m.		Transportation-SL (Staples)	Agriculture, Cons., Parks & Tourism-SL (Johnson)	
2:00 p.m.	Financial & Gov. Organ. - SL (Clay)	Local Gov. & Economic Dev. - SCR 2 (Mathewson)	Education-SCR 2 (House)	
2:30 p.m.			Judiciary - SL (Schneider)	
3:00 p.m.		Pensions & General Laws-SL (Scott)	Insurance & Housing-SCR 1 (Jacob)	
8:00 p.m.	Public Health & Welfare - SL	Ways & Means-SL (Wiggins)		
	SL - Senate Lounge SCR 1 - Senate Committee Room 1, Room 118 SCR 2 - Senate Committee Room 2, Room 119			

INTRODUCTIONS OF GUESTS

Senator Clay introduced to the Senate, Christopher Primm, Cape Girardeau.

Senator Bentley introduced to the Senate, Bill Compere and Nicole Peck, Springfield.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 10, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRD DAY--MONDAY, JANUARY 10, 2000**

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl G. Gauck offered the following prayer:

Thomas Jefferson once said: "I like dreams of the future than the history of the past." (8/1/1816)

Gracious and Heavenly Father, You who have forgiven the sins and failures of our past have freed us to do more good with our lives each new day. We pray, guide us this week as we discern the future needs of our people and help us recognize our responsibilities before You and those we serve and in so doing making us more faithful in doing Your will. And we pray for Senator Maxwell and for Your presence with his family at the death of his grandfather, Wilmon Smithee, this past weekend. Comfort them with the memory of Your goodness and walk with them daily. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 6, 2000, was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

Absent with leave--Senators	
Bentley	Maxwell--2
	Vacancies--1
The Lieutenant Governor was present.	

## REMONSTRANCES

Senator Ehlmann offered the following remonstrance, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE REMONSTRANCE NO. 3

WHEREAS, the General Assembly of the State of Missouri expects the leader of every state agency and state institution to support the policies enacted by the General Assembly; and

WHEREAS, Blanche Touhill is the Chancellor of the University of Missouri at St. Louis and the chief administrative officer of that institution; and

WHEREAS, the Eighty-Ninth General Assembly enacted SB 781 in 1998, which authorized, in sections 160.400 to 160.420, RSMo, the sponsorship of charter schools in St. Louis City by the local school district or by state community colleges and state four-year colleges and universities in the local area including the University of Missouri-St. Louis as part of a measure to address the poor performance by the City of St. Louis Public Schools; and

WHEREAS, many Senators voted for Senate Bill 781 two years ago only because it contained reforms, including charter schools; and

WHEREAS, Kansas City Missouri School District has been recently classified as unaccredited by the State Board of Education and St. Louis Public Schools was found to be similarly deficient in overall performance but has had the classification of unaccredited status delayed until June 2002 pursuant solely to the requirements of a recent federal court order approving a settlement of a federal school desegregation case affecting St. Louis City and to which the State Board of Education was a party, which agreement thwarted efforts to reform the district by appointment of a Transitional School District Board; and

WHEREAS, in the current era, obtaining a quality education is essential to a child's future economic success and determines much of a child's ability to contribute to society; and

WHEREAS, the enactment of a limited authority to establish charter schools in St. Louis City and Kansas City Missouri School District represents a state policy to encourage innovative new schools in two districts which are currently failing to meet the needs of their students; and

WHEREAS, the University of Missouri at St. Louis has only sponsored one charter school; and

WHEREAS, the University of Missouri at St. Louis, through a decision by Chancellor Touhill, refused to review the charter application of the Thurgood Marshall Academy on December 23, 1999, solely on the basis that the Missouri General Assembly provided no financial resources for sponsors to conduct either the evaluations of charter school applications or the subsequent reviews of charter school performance; and

WHEREAS, the University of Missouri at St. Louis received an overall appropriation of more than \$40 million for the 1999-2000 school year and has considerable flexibility in the actual expenditure of those funds along with much of the other funding received by the institution from other sources; and

WHEREAS, the University of Missouri at St. Louis made no request for supplemental appropriations to support review of charter school applications or review of charter school performance;

WHEREAS, some state higher education institutions have acted courageously to support this policy and have sponsored a significant number of charter schools, such as Central Missouri State University, which has sponsored no less than 12 charter schools in Kansas City; and

WHEREAS, those state higher education institutions which have acted to support the state policy and sponsor a significant number of charter schools have not received extra funding for review of charter school applications or review of charter school performance;

WHEREAS, the University of Missouri at St. Louis through Chancellor Touhill has acted selfishly and irresponsibly in ignoring the will of the General Assembly as expressed in the statutes, the plight of school children in a failing urban district;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrates against Chancellor Blanche Touhill and the University of Missouri at St. Louis for their failure to give proper consideration to charter school applications received by that institution and for dismissing such applications on the basis of a lack of associated state funding when the institution had the ability to make adequate financial resources available for such charter school review; and

BE IT THEREFORE FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to Chancellor Blanche Touhill so that she modifies the actions of the University of Missouri accordingly; and that a proper copy be sent to the President of the University of Missouri and to the President of the Board of Curators of the University of Missouri.

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1012, regarding the Sixty-Fifth Wedding Anniversary of Mr. and Mrs. Damon Talley, Arnold, which was adopted.

Senator Caskey offered Senate Resolution No. 1013, regarding the One Hundredth Birthday of Mrs. Flossie Goldie Bledsoe, Deepwater, which was adopted.

Senator Graves offered Senate Resolution No. 1014, regarding the Fiftieth Wedding Anniversary of Vern and Marie Smith, Cameron, which was adopted.

Senator Mathewson offered Senate Resolution No. 1015, regarding the One-Hundredth Birthday of Corea Ryburn Catron, Breckenridge, which was adopted.

Senator Schneider offered Senate Resolution No. 1016, regarding Richard H. "Dick" Kellett, Florissant, which was adopted.

Senator Caskey offered Senate Resolution No. 1017, regarding the Eighty-ninth Birthday of Mrs. Teresa Carroll, Butler, which was adopted.

Senator Flotron offered Senate Resolution No. 1018, regarding Cole David Bradbury, Ballwin, which was adopted.

Senator Flotron offered Senate Resolution No. 1019, regarding Chief William L. Biele, Kirkwood, which was adopted.

Senator Wiggins offered Senate Resolution No. 1020, regarding the death of Kristine Harrington, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1021, regarding the death of William C. Robinson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1022, regarding the death of Hayward H. Welch, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1023, regarding the death of Isabelle Marie "Belle" Neenan, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 1024, regarding Mike Henning, which was adopted.

Senator Yeckel offered Senate Resolution No. 1025, regarding Lori Tulk, which was adopted.

Senator Yeckel offered Senate Resolution No. 1026, regarding Tom Brady, which was adopted.

Senator Yeckel offered Senate Resolution No. 1027, regarding the Crestwood-Sunset Hills Kiwanis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1028, regarding the Crestwood-Sunset Hills Rotary, which was adopted.

Senator Yeckel offered Senate Resolution No. 1029, regarding the Fiftieth Anniversary of the Lindbergh School District, St. Louis, which was adopted.

On behalf of Senator Bentley, Senator DePasco offered Senate Resolution No. 1030, regarding the death of Kevin McAndrews, Springfield, which was adopted.

Senator Howard offered Senate Resolution No. 1031, regarding Briah Gardner, which was adopted.

Senator Schneider offered Senate Resolution No. 1032, regarding Anthony Stuart Bretz, which was adopted.



Senator Mueller offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1033

WHEREAS, Friday, August 13, 1999, marked a dark day in the history of this fine state as a result of the passing of the Honorable Frank Bild, an outstanding citizen who had enjoyed considerable success in the area of public service as a former longtime member of the Missouri General Assembly; and

WHEREAS, a native of Rumania, Frank Bild immigrated to the United States with his family in the early part of this century and grew up in the St. Louis community, where he would eventually distinguish himself as a practicing attorney with the additional desire to help improve the quality of life for others through service in the state legislature; and

WHEREAS, elected Republican Committeeman of Concord Township in 1958, Frank Bild went on to experience an illustrious political career as a state legislator who served in the House of Representatives for eight years before assuming his duties and responsibilities in the Senate, where he was privileged to act as the voice of his constituents from 1973 to 1990; and

WHEREAS, Senator Bild had given tirelessly of himself in his leadership role as Caucus Chairman of Republican Senators, as Assistant Minority Floor Leader, and as a member of various important committees which enabled him to work effectively on a number of vital issues especially those which affected the handicapped and the elderly; and

WHEREAS, Senator Bild was held in high regard by his colleagues from both political parties, all of whom had admired him greatly for his honesty as well as his fairness and for his ability to stand firm when confronted with an issue on which he had strong personal beliefs; and

WHEREAS, a World War II veteran of the United States Army, Senator Bild was extremely active in his community by supporting the causes of such worthwhile groups and organizations as American Legion Gardenville Post 300, the Concord Village Lions, the South County YMCA, and the Lutheran Church of the Resurrection; and

WHEREAS, Frank Bild was a family man who had remained totally devoted to his beloved wife of sixty-one years, Flora; his children, Brian, Karen, Norman, and Kathleen; and his three grandchildren and two step-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, pause in a moment of silent reverie to reflect upon the lifetime achievements of the late Frank Bild who had contributed so much for the benefit of others and to express our heartfelt sympathy to the loved ones he has left behind; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Flora Huss Bild, as a special tribute to the memory of her loving husband.

Senator Schneider offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1034

WHEREAS, the Congress of the United States enacted the Education for All Handicapped Children Act of 1975 (P.L. 94-142), now known as the Individuals with Disabilities Education Act (IDEA), to ensure that all children with disabilities in the United States have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, since 1975, federal law has authorized appropriation levels for grants to states under the IDEA at forty percent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, Congress continued the forty-percent funding authority in Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; and

WHEREAS, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the fifteen-percent level, and has usually only appropriated funding at about the eight-percent level; and

WHEREAS, the Missouri State Plan for Special Education was approved for statewide implementation on the basis of the anticipated federal commitment to fund special education programs at the federally authorized level; and

WHEREAS, Missouri appropriated approximately \$240 million for the 2000 fiscal year in support for the state's share of funding for special education programs; and

WHEREAS, the State of Missouri received approximately \$105 million in federal special education funds under IDEA for the 1999-2000 school year, even though the federally authorized level of funding would provide over \$313 million annually to Missouri; and

WHEREAS, local educational agencies in Missouri are required to pay for the underfunded federal mandates for special education programs, at a statewide total cost approaching \$208 million annually, from regular education program money, thereby reducing the funding that is available for other education programs; and

WHEREAS, the decision of the Supreme Court of the United States in the case of Cedar Rapids Community School District v. Garret F. ((1999) 143 L.Ed 2d 154), has had the effect of creating an additional mandate for providing specialized health care, and will significantly increase the costs associated with providing special education services; and

WHEREAS, whether or not Missouri participates in the IDEA grant program, the state has to meet the requirements of Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34 C.F.R. 104), which prohibit recipients of federal financial assistance, including educational institutions, from discriminating on the basis of disability, yet no federal funds are available under that act for state grants; and

WHEREAS, Missouri is committed to providing a free and appropriate public education to children and youth with disabilities, in order to meet their unique needs; and

WHEREAS, the Missouri General Assembly is extremely concerned that, since 1978, Congress has not provided states with the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the laws:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Second Regular Session, Ninetieth General Assembly, that the President and Congress of the United States are respectfully requested to provide the full forty-percent federal share of funding for special education programs so that Missouri and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Chair of the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each member of the Missouri Congressional delegation, and to the United States Secretary of Education.

Senator Steelman offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

#### SENATE RESOLUTION NO. 1035

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's Disease, is a fatal neuromuscular disease that destroys the ability of the brain to communicate with the muscles; and

WHEREAS, early symptoms of ALS include muscle weakness or stiffness. As the disease progresses, muscle function is lost in the limbs and trunk of the body. Eventually the muscles that control vital functions such as speech, swallowing and respiration also become paralyzed; and

WHEREAS, nearly 5000 people are diagnosed annually in the United States and life expectancy is typically 2 to 5 years, with about 50 percent living at least 3 years after diagnosis, 20 percent living for 5 years, and 10 percent surviving 10 or more years; and

WHEREAS, ALS can strike anyone. Men and women are affected in nearly equal proportion and even though the onset is typically beyond the age of 60, it can occur at any age; and

WHEREAS, although there is not yet a cure for ALS, much can be done to alleviate symptoms, prevent complications, and maintain maximum function. Physical therapy, rehabilitation techniques and assistive devices help people deal with the inevitable weakness and functional disability caused by the disease. These therapies can help those living with ALS lead productive and independent lives:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, hereby join unanimously in honoring those persons affected by ALS and encouraging the availability of services, support groups and training for those living with ALS and those working with ALS patients; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, hereby encourage members of the United States House of Representatives and the United States Senate to support any effort to raise awareness about this devastating disease; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, hereby urge members of the United States House of Representatives and the United States Senate to introduce and support legislation to improve the lives of ALS patients; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, hereby encourage members of the United States House of Representatives and the United States Senate to support H.R. 353 and S. 1074 which would waive the Social Security disability waiting period for ALS patients to receive medicare coverage and would provide for Medicare coverage of all FDA-approved drugs and biologicals prescribed for use in the treatment of ALS; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 789**-By Mathewson.

An Act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

**SB 790**-By Caskey.

An Act to repeal sections 181.043, 181.060 and 181.110, RSMo 1994, and section 181.021, RSMo Supp. 1999, relating to the state library, and to enact in lieu thereof four new sections relating to the same subject.

**SB 791**-By Goode.

An Act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to motor vehicle emissions inspections in certain counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject.

**SB 792**-By Sims.

An Act to repeal section 304.010, RSMo Supp. 1999, relating to speed limits, and to enact in lieu thereof one new section relating to the same subject.

**SB 793**-By Staples.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to motor vehicles.

**SB 794**-By Singleton.

An Act to repeal section 354.606, RSMo Supp. 1999, relating to health care providers, and to enact in lieu thereof one new section relating to the same subject.

**SB 795**-By Singleton.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to credit reporting.

**SB 796**-By Jacob.

An Act to repeal section 174.620, RSMo 1994, and section 174.610, RSMo Supp. 1999, relating to certain institutions of higher education, and to enact in lieu thereof six new sections relating to the same subject.

Senator Clay requested unanimous consent of the Senate to withdraw **SB 726** from further consideration, which request was granted.

## MESSAGES FROM THE GOVERNOR

The following message was received from the governor:OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me on June 17, 1999 and submitted to you on January 5, 2000 for your advice and consent:

Cheryl A. Robinson, 18325 Pinbrook Hollow, Post Office Box 117, Allenton, St. Louis County, Missouri 63001, as a member of the Missouri Board for Therapeutic Massage, for a term ending June 17, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 324.243.

Respectfully submitted,

MEL CARNAHAN

Governor

Senator Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

G. Ruth Mach, Ed.D., Republican, 4921 Ardeth Court, St. Louis, St. Louis County, Missouri 63128, as a member of the Truman State University Board of Governors, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas R. Jayne, Republican, 225 Blackmer Place, Webster Groves, St. Louis County, Missouri 63119, as a member of the Truman State University Board of Governors, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, Dorothy M. Munch, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles D. Banks, Democrat, 678 Glenwood Drive, Pevely, Jefferson County, Missouri 63070, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joyce A. Blades, Republican, 2308 Baratara, Springfield, Greene County, Missouri 65804, as a member of the Public Defender Commission, for a term ending December 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David A. Childers, Democrat, 6006 North 27th Street, Ozark, Christian County, Missouri 65721, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Norwood A. Creason, Democrat, 104 West 6th Street, Braymer, Caldwell County, Missouri 64624, as a member of the State Fair Commission, for a term ending December 29, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry W. Divin, Democrat, 1359 East 470th Road, Bolivar, Polk County, Missouri 63613, as a member of the State Fair Commission, for a term ending December 29, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles Richard Gulick, M.D., Republican, 22 Upper Ladue Road, St. Louis, St. Louis County, Missouri 63124, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard L. Hill, HCR 3, Post Office Box 973, Kimberling City, Stone County, Missouri 65686, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2002, and until his successor is duly appointed and qualified; vice, John Stephen Whitney, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael Stephan Manier, Republican, 7800 Highway 63, Houston, Texas County, Missouri 65483, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,



OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carl M. Myers, M.D., Democrat, 7501 Northwest Eastside Drive, Weatherby Lake, Platte County, Missouri 64152, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following committee pursuant to **HCR 1**: Senators Schneider, Caskey, Howard, Maxwell, Wiggins, Jacob, Ehlmann, Kenney, Kinder and Klarich.

**REFERRALS**

President Pro Tem Quick referred **SCR 21** and **SCR 22** to the Committee on Rules, Joint Rules and Resolutions.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort Committee to act with a like committee from the Senate pursuant to **HCR 1**: Representatives Harlan, Hosmer, Monaco, Graham (24), Clayton, Curls, Lograsso, Sallee, Hanaway, Gibbons, Ridgeway.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 797**-By Ehlmann.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to elections.

**SB 798**-By Ehlmann.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees.

**SB 799**-By Ehlmann.

An Act to amend chapter 577, RSMo, by adding thereto three new sections relating to the offense of aggressive driving, with penalty provisions.

**SB 800**-By Ehlmann.

An Act to repeal sections 130.072 and 130.081, RSMo 1994, relating to campaign finance disclosure, and to enact in lieu thereof two new sections relating to the same subject.

### **INTRODUCTIONS OF GUESTS**

Senator Flotron introduced to the Senate, his niece, Jose Frank, St. Louis.

Senator Kinder introduced to the Senate, Dr. Dan Obermark, his wife, Anne, and their children, Cassidy, Jon, Katie and Jim, Sikeston; and Cassidy, Jon, Katie and Jim were made honorary pages.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit; and Elizabeth was made an honorary page.

Senator Wiggins introduced to the Senate, Dr. John W. Turly and Dr. John J. Turly, Kansas City.

Senator Caskey introduced to the Senate, his intern, Steffani Lyon, Cass County.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 11, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Oliver Cromwell said: "The State in choosing men to faithfully serve it, takes no notice of their opinions. If they be willing to serve it, that satisfies." (7/2/1644)

Gracious God, sometimes we wonder how it is that we are so fortunate to have been called to serve You in this place at this time. But because we are here help us to make ourselves available to You to follow Your path of righteousness. And though we may differ from one another in how things are to be done, we seek to do what is best for the people of this State in accordance with Your Holy will. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1036, regarding the marriage of William Patrick McKenna and Debbie Bell, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1037

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chamber at our State Capitol:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on March 20, 2000.

Senator Russell offered Senate Resolution No. 1038, regarding Denette Roderick, Lebanon, which was adopted.

Senator Flotron offered Senate Resolution No. 1039, regarding Neil F. Kurlander, Maryland Heights, which was adopted.

Senator Stoll offered Senate Resolution No. 1040, regarding Ambrose Joseph Wingbermuehle, Imperial, which was adopted.

Senator DePasco moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable William Ray Price, Jr., which motion prevailed.

#### JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

##### Present--Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Bentley--1

Vacancies--1

On roll call the following Representatives were present:

##### Present--Representatives

Abel	Akin	Alter	Auer
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Backer	Ballard	Barnett	Barry (100)
Bartelsmeyer	Bartle	Bennett (15)	Berkowitz
Berkstresser	Black	Blunt	Boatright
Bonner	Boucher	Boykins	Bray (84)
Britt	Burton	Campbell	Carter
Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis (122)
Davis (63)	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham(106)
Graham (24)	Gratz	Green	Griesheimer
Gunn	Hagan-Harrell	Hampton	Harlan
Hartzler (123)	Hartzler (124)	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton
Kelley (47)	Kelly (27)	Kennedy	King
Kissel	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble
May (108)	Mays (50)	McBride	McClelland
McKenna	Merideth	Miller	Monaco
Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	Ostmann	O'Toole
Overschmidt	Parker	Patek	Phillips
Pouche	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo
Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs
Stokan	Summers	Surface	Thompson (72)
Townley	Treadway	Troupe	Tudor
VanZandt	Vogel	Wagner	Ward
Wiggins	Williams (121)	Williams (159)	Wilson (25)
Wilson (42)	Wright	Mr. Speaker--155	
Absent and Absent with Leave--Representatives			
Gross	Hanaway	Kasten	Lograsso
McLuckie	Robirds	Smith	Thompson (37)--8

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, William Ray Price, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

**State of the Judiciary**

**Chief Justice William Ray Price, Jr.**

**January 11, 2000**

Mr. Speaker. Mr. President. Members of the General Assembly.

On behalf of the judges of the state of Missouri, it is a pleasure and an honor to deliver this 27th State of the Judiciary address. As we stand on the threshold of the twenty-first century, it is appropriate for us not only to speak of today's issues, but to consider our past and the future, as well.

We have come a long way from the time of pioneers in long boats and covered wagons. What was a wilderness purchased from France in 1803 is now the thriving heartland of America. What was a land of lawlessness is now a state in which the fair and equal application of law prevails.

As a people seeking justice we have made great progress over the years. In 1820, when Missouri's first Supreme Court was established, slavery was legal and women were not allowed to vote. In the mid-1800's the state was divided by a civil war and fear for life and property was the rule not the exception. Today the full protection of the law extends to all people regardless of religion, race, or gender and our courts enjoy the service of increasing numbers of African-American, Hispanic, and women judges. Although we still have a long way to go, this is a tremendous accomplishment in which we can all share joy and pride.

Another significant accomplishment for Missouri over the past century was the adoption in 1940 of the Missouri Plan for the appointment of judges. The Plan minimizes the harmful influence of partisan politics on judges while still holding judges accountable to the people. The wisdom of this plan is attested to by thirty-six states and the District of Columbia which have modeled their own plans after it. Missouri was the leader of our nation in this important step.

In just this past decade, our courts have continued to strive for improvement. As judges, we imposed time standards on ourselves and participated in a program of judicial transfers to more promptly resolve our cases. The courts were opened to electronic media. Family and drug courts were established. We began the statewide automation of our courts. The first woman and the first African-American were appointed to the Missouri Supreme Court. But, throughout all of this change, our focus has remained steadfast upon resolving the disputes of our citizens. Justice is our first priority. The delivery of justice in a timely and efficient manner.

It is difficult to measure the quality of justice. Often that measurement is shaped by the eye of the beholder, relative to his or her particular interest. But, I can tell you without hesitation that we are resolving the cases that come to us as promptly and efficiently as possible.

Unlike other states, we have no great delays in providing court dates for trials. This past year 962,986 cases were filed in our circuit courts. That is up from the year before and an increase of almost 20% from 1993. Our caseload is steadily increasing. But, the vast majority of cases in Missouri are resolved in less than two years and many within one year. Here are the hard numbers:

- 80% of circuit court civil cases are disposed within 18 months
- 90% of domestic relations cases are disposed within 1 year
- 97% of associate civil cases are complete in 1 year, and 89% are complete within 6 months
- 87% of circuit court felony cases are completed within 8 months.

Two key factors helped us achieve these results. First, in 1993, we adopted "time standards" to provide guidelines within which litigants could expect to have their cases heard. These standards encourage judges to keep track of how long a case has been pending and to resolve cases promptly.

Second, we pursued a more aggressive program of judicial transfers. We asked sitting judges and senior judges to increase their assistance to circuits with heavy dockets. Since 1994, judges have worked over 40,200 days and handled over 10,700 cases on judicial transfer.

Although both of these programs were controversial at first, they worked. Again the numbers tell the story.

- In 1993, the first year time standards took effect, more cases were disposed of than were filed, something that had not happened in recent history prior to that time.
- Since 1993 although case filings have increased by nearly 20%, the number of pending cases increased only 12.2%.
- Since 1997, in each and every one of the five case categories, the time necessary to process cases has decreased.

Of course, none of this could have happened without the hard work and dedication of the men and women who are judges in Missouri. And, it could not have happened without your support and cooperation in providing necessary funding. We recognize that you have provided us with scarce resources and we are proud that despite an increasing workload our portion of the state's budget is less than 1% of total state expenditures.

As you begin this legislative session, there are a number of issues that are important to the judiciary: the proper role for judicial commissioners, the method of appointment of circuit court clerks, increased compensation for jurors, family court enhancements and criminal justice reforms. All received considerable attention last year and all will be debated again this year. I do not have time during these remarks to address each of those issues because there are two other issues I need to discuss in detail.

The first is our joint effort to create a statewide system of court automation. This has been an ambitious and difficult undertaking, but it is absolutely necessary if we are to provide timely and efficient service in the years to come. Our court system must keep up with the rest of Missouri.

When we began this project five years ago many county courts had no automation. Courts in our larger counties that had automated systems could not be linked to the rest of the state and some suffered potentially fatal Y2K problems. With your assistance, a committee was formed and began to design a single integrated system that would meet the needs of all of the courts of this state. The goals for the new computer system were increased efficiency, improved public access, and better management.

Implementing this new technology, as might be expected, has not been cheap or easy, but we have made significant progress. Today we have an information system that allows communication among all of the judicial circuits in the state. One hundred percent of appellate and circuit court judges, as well as nearly ninety percent of associate circuit judges and circuit clerks have access to the system. Case management software is working in divisions of the Barton, Boone, Cole, Franklin, Jackson, Montgomery, Platte, St. Charles, Taney and Warren county courts as well as in all three districts of the Court of Appeals and in the Supreme Court. At the end of Fiscal year 2000, 31% of the state's caseload will be managed by this software, serving 41% of the state's population. We particularly thank the court staffs, lawyers and citizens of Montgomery and Jackson counties for serving as pilot sites. They suffered the inevitable wrinkles that needed to be discovered before they could be ironed out.

At this time forty-two courts are requesting implementation of the case management system. The speed with which we will be able to grant these requests and time within which we will be able to complete our state wide objectives will depend upon the amount of funding you provide.

Last year you provided \$6.1 million of funding. With this money case management software has been installed in seven courts with Y2K problems and in seven additional courts as well. By the end of the year we hope to complete installation of case management software in twenty-three courts.

This session we are requesting funds to install the case management software in another twenty to forty courts and to continue development of the system. We understand that this will be a tight budget year and additional resources for any project will be limited. We want you to understand that we are thankful for the support you have given us for this project. We will do the best we can to continue this vital work throughout the state as quickly as funding allows.

Drug courts are another priority of the judiciary. Seven years ago the first drug court was established in Jackson County. Two years ago a task force of the judicial conference recommended and you passed a bill authorizing drug courts statewide. Today twenty-two drug courts are in operation in Missouri with another seventeen in planning stages.

The benefits of drug courts are clear. Instead of sending a non-violent drug offender to prison, he or she is provided treatment under judicial supervision. Cost savings are substantial and the likelihood of rehabilitation is greatly increased. Statewide we have had 869 individuals graduate from drug court with only 34 being rearrested or convicted for new crimes. This represents roughly a 4% recidivism rate compared with a rate of 45% , or greater, for drug offenders who have not graduated from drug court. Drug courts are the right and the efficient thing to do.

Drug courts also have a place outside of the adult criminal system. Jackson and Newton counties are initiating family drug courts. Juvenile drug courts have been established in Newton and Scott counties and Saint Louis City. A number of other counties are planning for juvenile and family drug courts as well.

The primary cost of drug courts is providing treatment and supervision to the participating individuals. Presently, the funding for this treatment is spread among a number of state agencies and is not formally coordinated. Most of the treatment money is channeled through the Department of Corrections and can only be used for adult felony offenders. This money is not available for family drug courts or the treatment of juveniles. We should have a system that is more flexible to the needs of Missouri. A mother struggling to keep, or regain, custody of her children or a troubled juvenile trying to stay in school needs and deserves treatment just as much as an adult charged with a felony.

To solve this problem the Judicial Conference is asking that you establish a drug court commission to coordinate and to administer all moneys allocated to drug courts. The commission would include members of the various state agencies involved in drug treatment issues, the Department of Corrections, the Department of Social Services, the Department of Public Safety, the Department of Mental Health, and the courts. The commission would coordinate all state funding for drug courts, whether adult, family, or juvenile. This will allow for the full utilization of treatment moneys where they are most needed and establish a central source for evaluation and management of drug court programs state wide. I urge you to seriously consider this proposal.

Finally, just a brief thought about the future. If we have learned anything from the past, it is that the foundation for the future is change. Change in technology, change in issues and interests, change in leaders. To serve the people of Missouri well, we in state government will have to identify and resolve the changing problems of each new day under ever-increasing public pressure and with ever increasing speed. But if we are to serve the people of Missouri well, we will also have to resolve the problems of each new day in accordance with the virtues of our past. Between 1922 and 1924, 14 of those virtues were carved into the walls of this very chamber; knowledge, liberty, equality, law, justice, fraternity, education, progress, honor, truth, virtue, temperance, enterprise, and charity. If we remain true to these virtues, regardless of what problems lay ahead, the

state of Missouri can look forward to a future even greater than its past.

Thank You.

On motion of Senator DePasco, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Wilson.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 801**-By Mathewson.

An Act to repeal section 260.285, RSMo Supp. 1999, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 802**-By Goode, Ehlmann, Flotron and Schneider.

An Act to repeal section 99.805, RSMo Supp. 1999, relating to tax increment financing, and to enact in lieu thereof four new sections relating to the same subject.

**SB 803**-By Goode, Schneider, Kinder, Mathewson, Childers and Maxwell.

An Act to repeal sections 138.420 and 153.030, RSMo 1994, and sections 393.298, 393.299 and 393.302, RSMo Supp. 1999, relating to taxation and fees for energy services, and to enact in lieu thereof thirty-one new sections relating to the same subject, with a contingent effective date for certain sections and a contingent termination date for certain sections.

**SB 804**-By Yeckel.

An Act to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same subject.

**SB 805**-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to medical savings accounts.

**SB 806**-By Jacob.

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

**SB 807**-By Jacob.

An Act to repeal section 148.400, RSMo 1994, relating to insurance premium taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 808**-By Jacob.

An Act relating to valuation of life insurance policies with an effective date.

## **INTRODUCTIONS OF GUESTS**



Senator Sims introduced to the Senate, her intern, Barth Holohan, III, St. Louis County.

Senator Stoll introduced to the Senate, former President Pro Tem, Senator William P. McKenna, Crystal City.

Senator Bland introduced to the Senate, Cheryl Dozier, Jefferson City.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTH DAY--WEDNESDAY, JANUARY 12, 2000**

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Reverend Carl Gauck offered the following prayer:

Proverbs 4:27 "Keep your heart with all diligence; for out of it are the issues of life."

Gracious and Heavenly Father, keep our hearts firmly rooted in Your promises, girded by faith in Your word so that we may face any difficulties that come our way to help others going through tough times in their lives. Help us to pray so that we are anchored in living life fully and effectively as You direct our path so as we can help others live life more victoriously also. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Aurora News, Associated Press and Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators				
Bentley	Bland	Caskey	Childers	
Clay		DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard	
Jacob	Johnson	Kenney	Kinder	
Klarich	Mathewson	Maxwell	Mueller	
Quick	Rohrbach	Russell	Schneider	
Scott	Sims	Singleton	Staples	
Steelman	Stoll	Westfall	Wiggins	
Yeckel--33				
Absent with leave--Senators--None				
Vacancies--1				

## RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1041, regarding Mary Ann Schiller, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1042, regarding Joe Weinmann, Affton, which was adopted.

Senator House offered Senate Resolution No. 1043, regarding Anthony Michael Davis, St. Charles, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1044

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Frank Joseph Wirken of Kansas City; and

WHEREAS, Mr. Wirken, a native of Moline, Illinois, settled in Kansas City in 1950 after graduating from the University of Illinois, at which time he was associated with Interstate Bakeries; and

WHEREAS, Mr. Wirken, thereafter became an insurance and unemployment cost control consultant, owning and operating his own consulting company business through the early 1990's; and

WHEREAS, Mr. Wirken, was a prolific inventor who developed many products including items for bridge and kitchenware and in particular the Jack Poker playing cards, a five suited deck and multiple games that utilized his unique deck of cards; and

WHEREAS, Mr. Wirken was a uniquely talented individual who was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Frank Joseph Wirken, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Wirken family.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1045

WHEREAS, the members of the Missouri Senate have learned with regret that Sister Anne Shepherd, O.S.B., will leave her position as Superintendent of Schools for the Diocese of Kansas City-St. Joseph, in March, 2000; and

WHEREAS, Sister Anne Shepherd will be sadly missed in a position she has held since 1994, with such honor and distinction that she is virtually irreplaceable; and

WHEREAS, Sister Anne Shepherd, a native of New York City, was raised in Washington D.C., the fourth oldest of eight children, attended Blessed Sacrament Grade School, Washington D.C., Holy Trinity High School in Washington, and Mount St. Scholastica College, Atchison, Kansas, before entering the Benedictine Convent in Atchison in 1965, graduating from Mount St. Scholastic College in 1970 with Degrees in Mathematics and French; and

WHEREAS, Sister Anne Shepherd served as Principal of the Academy at Mount St. Scholastic, from 1976-1979, and Director of Campus Ministries at Bishop Miege High School, Kansas City, from 1979 to 1984, taught religion and mathematics in St. Theresa's Academy, Kansas City, from 1984 to 1986, and from 1990 to 1994 was Associate Superintendent of Schools for the Diocese of Kansas City-St. Joseph, and since 1994 has been the distinguished Super-intendent of Schools;

NOW THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service of Sister Anne Shepherd, O.S.B., express their appreciation for her leadership in so many areas of education and particularly as Superintendent of Schools for the Diocese of Kansas City-St. Joseph, and extend to Sister Anne Shepherd very best wishes for many long years continued success, good health and happiness.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Sister Anne Shepherd, O.S.B. and the Diocese of Kansas City/St. Joseph.

Senators Wiggins, Schneider and Scott offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1046

WHEREAS, it has come to the attention of the members of the Missouri Senate that Sunday, January 30, 2000, through Friday, February 4, 2000, will be observed as Catholic Schools Week in Missouri; and

WHEREAS, Catholic Schools throughout the State of Missouri, support the family which has always been the foundation of society; and

WHEREAS, Catholic Schools have a long, successful history throughout this State, predating Missouri's admission into the Union of the United States, having produced thousands of graduates who successfully spent their lifetime in pursuit of a better Missouri for all people; and

WHEREAS, Catholic Schools throughout the State have educated millions of students, who have received an education strong in academics and mindful values; and

WHEREAS, the 307 Catholic Schools in the State of Missouri deserve special recognition for providing guidance and vision while educating over 85,084 valuable natural resources, our youth; and

WHEREAS, the administrators and faculties of Catholic Schools are dedicated to promoting excellence in education in an environment of Judea - Christian concerns;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service of the Catholic Schools of Missouri on the occasion of Catholic Schools Week, 2000, express appreciation for their outstanding educational service to the people of Missouri for almost 200 years, and extend to the administrators, faculties, parents and students of all Catholic Schools very best wishes for many long years continued success, good health and happiness;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Most Rev. Raymond Boland, Bishop of Kansas City-St. Joseph, Most Rev. John R. Gaydos, Bishop of Jefferson City, Most Rev. John Leibrecht, Bishop of Springfield-Cape Girardeau, and Most Rev. Justin Rigali, Archbishop of St. Louis.

Senator Caskey offered Senate Resolution No. 1047, regarding Irvin Hershberger, Harrisonville, which was adopted.

Senator Caskey offered Senate Resolution No. 1048, regarding Elma L. Taylor, Amoret, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 809**-By Schneider.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for certain charitable contributions.

**SB 810**-By Goode.

An Act to repeal section 208.480, RSMo Supp. 1999, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

**SB 811**-By Singleton.

An Act to repeal section 537.045, RSMo 1994, and section 211.185, RSMo Supp. 1999, relating to victims of certain offenses, and to enact in lieu thereof two new sections relating to the same subject.

**SB 812**-By Westfall.

An Act to repeal section 278.130, RSMo 1994, relating to soil and water districts, and to enact in lieu thereof two new sections relating to the same subject.

**SB 813**-By House.

An Act to repeal section 85.011, RSMo 1994, relating to discipline of law enforcement officers, and to enact in lieu thereof five new sections relating to the same subject.

**SB 814**-By House.

An Act to repeal section 307.178, RSMo Supp. 1999, relating to seat belt enforcement, and to enact in lieu thereof one new section relating to the same subject.

**SB 815**-By Flotron, Schneider, Steelman, Staples and Ehlmann.

An Act to repeal section 332.261, RSMo 1994, and sections 332.021 and 332.031, RSMo Supp. 1999, relating to dental hygienists, and to enact in lieu thereof four new sections relating to the same subject.

**SB 816**-By Stoll.

An Act to repeal section 169.070, RSMo Supp. 1999, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject.

**SB 817**-By Stoll.

An Act to repeal sections 169.600, 169.620 and 169.670, RSMo Supp. 1999, relating to certain school employee retirement systems, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

**SB 818**-By Maxwell and Kinder.

An Act to repeal section 217.560, RSMo 1994, relating to the vocational enterprises program, and to enact in lieu thereof one new section relating to the same subject.

**SB 819**-By Maxwell.

An Act to repeal sections 394.020, 394.080, 394.130, 394.200, 394.312 and 394.315, RSMo 1994, and section 394.120, RSMo Supp. 1999, relating to retail choice in electric service, and to enact in lieu thereof twenty-one new sections relating to the same subject.

**SB 820**-By Maxwell and Clay.

An Act to repeal sections 376.421, 376.424, 376.773, 376.775, 376.960, 376.961, 376.966, 376.986, 379.930, 379.938, 379.940, 379.943 and 379.952, RSMo 1994, relating to health insurance, and to enact in lieu thereof nineteen new sections relating to the same subject, with an effective date for certain sections.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda G. Arnold, Republican, 502 Johnson, Columbia, Boone County, Missouri 65010, as a member of the Missouri Women's Council, for a term

ending December 6, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Jenise Comer, LCSW, 7416 Richmond Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the State Committee for Social Workers, for a term ending December 11, 2003, and until her successor is duly appointed and qualified; vice, Susan DiTirro, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janice S. Ellis, Ph.D., 808 West Meyer Boulevard, Kansas City, Jackson County, Missouri 64113, as a public member of the Missouri State Board of Accountancy, for a term ending August 15, 2002, and until her successor is duly appointed and qualified; vice, Dr. Cecil G. Wood, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cathy L. Frier, O.D., Route 4, El Dorado Springs, Cedar County, Missouri 64744, as a member of the State Board of Optometry, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, Diana Scoggin, O.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Teresa R. "Terri" Gray, Democrat, 4104 White Pine Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, Patricia A. Garney, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane B. Klieve, Republican, 12500 Darien Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Willa M. McCullough, 1225 Old Highway CC, Festus, Jefferson County, Missouri 63028, as a public member of the State Committee of Psychologists, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Helen P. Gab, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Palmer R. "Nick" Nichols, II, 1418 Springdale, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Training and Employment Council, for a term ending January 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.



Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan Wilson Solovic, Democrat, 37 Portland Place, St. Louis City, Missouri 63108, as a member of the Missouri Women's Council, for a term ending December 6, 2000, and until her successor is duly appointed and qualified; vice, Deborah Borchers-Ausmus, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**COMMUNICATIONS**

President Pro Tem Quick submitted the following:

January 11, 2000

Senator William L. "Lacy" Clay

State Capitol, Room 221

Jefferson City, MO 65101

Dear Senator Clay:

It is my pleasure to hereby appoint you to serve as a member of the Gubernatorial Appointments Committee to fill the vacancy created by the resignation of Senator J.B. "Jet" Banks.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

## **INTRODUCTIONS OF GUESTS**

Senator Sims introduced to the Senate, Dorothy Burlin, St. Louis.

Senator Singleton introduced to the Senate, Darren Gallup, Greg Dagnan and Glenda Conduct, Joplin.

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. A.J. Campbell, Sedalia.

Senator Bentley introduced to the Senate, Lorene and Bill Van Dam and Dr. Clifford Whipple, Springfield.

Senator Westfall introduced to the Senate, the Aurora High School 1999 Class 3A State Champion Football Team.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTH DAY--THURSDAY, JANUARY 13, 2000**

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 91:11: "For He shall give His angels charge over you, to keep you in all your ways."

Merciful God, in the midst of the changes and chances and fluctuating pressures of daily living send Your holy angels to be with us especially when dangers threaten within and without. Direct Your angels to watch over us as we travel back and forth from here to home and back once again. Let Your angels banish doubts and fears that lie beneath the surface of our consciousness and help us venture forth upon the daily tasks before us, confident of Your loving care and divine protection. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Flotron	Scott--2		
	Vacancies--1		
The Lieutenant Governor was present.			

Senator Staples assumed the Chair.

## RESOLUTIONS

Senator Graves offered Senate Resolution No. 1049, regarding the One Hundredth Birthday of Elizabeth Freeman, Tarkio, which was adopted.

Senator Howard offered Senate Resolution No. 1050, regarding the Dexter High School 3A Bearcats Basketball Team, which was adopted.

Senator Quick offered the following resolution:

### SENATE RESOLUTION NO. 1051

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and seven division level directors to be compensated according to Office of Administration guidelines for compensation of division directors; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
5	Staff Attorney II	2,802 - 4,275
1	Senior Staff Attorney	3,678 - 5,334
1	Research Analyst II	2,802 - 4,275
1	Senior Research Analyst	3,678 - 5,334
1	Investigator	2,688 - 4,096
7	Research Staff Secretary	2,038 - 3,238
5	Budget Research Analyst II	2,802 - 4,275
4	Assistant Secretary of Senate	2,381 - 3,524
5.5	Enrolling & Engrossing Clerk	1,926 - 2,802
1	Billroom Supervisor	1,926 - 2,802
1.5	Billroom Clerk	1,478 - 2,030
4	Public Information Specialist I	1,926 - 2,802
2	Public Information Specialist II	2,202 - 3,238
3	Administrative Assistant	1,500 - 5,527
1	Executive Assistant	1,500 - 5,405
1	Telecommunications Coordinator	2,480 - 3,678
3	Accountant	2,038 - 2,916
6	Administrative Secretary	1,500 - 3,687
7	Clerical Assistant	1,500 - 3,001
1	Messenger	1,478 - 2,030
1	Data Control Coordinator	2,202 - 3,238
3	Computer Info. Technology Spec. II	3,345 - 5,577
1	Computer Info. Technology Spec. III	3,489 - 5,836
1	Computer Info. Technologist III	2,916 - 4,469
1	Network/Communications Analyst	3,059 - 4,881
1	Computer Operator II	1,854 - 2,688
2	Computer Operator III	2,202 - 3,238
4	Data Entry Operator III	1,663 - 2,335

1	Graphics Supervisor	1,907 - 2,831
3	Composing Equipment Operator III	1,711 - 2,794
1	Mailroom Supervisor	1,926 - 2,802
3	Duplicating Equipment Operator I	1,426 - 1,920
1	Duplicating Equipment Operator II	1,621 - 2,237
3	Duplicating Equipment Operator III	1,788 - 2,530
1	Duplicating Equipment Operator IV	1,926 - 2,802
1	Photographer	2,139 - 3,366
0.25	Physical Plant Supervisor	1,830 - 3,579
1	Maintenance Supervisor	2,038 - 2,916
1	Carpenter II	1,854 - 2,688
4.5	Custodian II	1,295 - 2,110
2	Custodian III	1,492 - 2,237
2	Maintenance Worker	1,621 - 2,237
1	Sergeant at Arms (Elected)	2,202 - 3,238
0.5	Doorkeeper (Elected)	1,000 - 2,087
3	Assistant Doorkeeper	800 - 1,543
0.5	Reading Clerk	750 - 1,692
0.5	Chaplain	500 - 890
3	Security Guard	1,438 - 2,530

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the House Administrator in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2001.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1052

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Leslie Robert (Bob) Benson, of Kansas City; and

WHEREAS, Mr. Benson, a native of Hutchison, Kansas, graduated from Central Missouri State University with a degree in Accounting and then entered the United States Air Force where he achieved the rank of Lieutenant and served as a jet fighter pilot during the Korean War; and

WHEREAS, Mr. Benson thereafter spent many years working in the corporate accounting field throughout the Kansas City area and was active in many other civic and community offices; and

WHEREAS, Mr. Benson was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Leslie Robert (Bob) Benson, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City, to Missouri, and to his country, and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Mary Colleta Benson, son Robert M. Benson, and daughter Mrs. Teresa LeClerc.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1053

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Loretto G. Purcell, of Kansas City; and

WHEREAS, Mrs. Purcell, a longtime dynamic leader in the Catholic community, was born in Kansas City, January 17, 1908, attended St. James grade school, Loretta Academy and Sarachon-Hooley Secretarial School; and

WHEREAS, after losing both her husband, Joseph C. Purcell, and two year old son, Patrick James, in the early 1930's, she devoted her life to Catholic affairs beginning, with the Catholic Youth Council where she was the first secretary with Father Bernard Hale, the first director; and

WHEREAS, having served the CYO for 33 years she retired December 31, 1972, as office manager for the Catholic Lay Activities Office and personal secretary to its director, Father Thomas Reardon; and

WHEREAS, Mrs. Purcell received numerous awards, none of which she sought, including the "Benemerenti Award", given by Pope Pius XII in 1955 and the "Pro-Deo-ET Juventute" "For God & Youth" by the National Convention of Catholic Youth in 1959; and

WHEREAS, the greatest award Mrs. Purcell ever received was the undying admiration and affection of every young student who ever attended Catholic Schools in Kansas City during her long tenure including the sponsor of this Resolution, the current Senator from the 10th District, Senator Wiggins, who had been her loyal friend and booster since he was in grade school;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a remarkable and good lady, Mrs. Loretto G. Purcell, express their appreciation for her lifetime of good citizenship, not just to Kansas City-St. Joseph, but to the youth of America, and extend to her family and many friends most sincere sympathy on her death; and

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for Bishop Thomas Boland, Diocese of Kansas City-St. Joseph, Father Patrick Rush, Vicar General, and her nephew, Ernest J. Straub.

Senator Howard offered Senate Resolution No. 1054, regarding Ralph Waldo Emerson Fralick, Bernie, which was adopted.

#### INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

**SB 821**-By Caskey.

An Act to amend chapter 50, RSMo, by adding thereto one new section relating to certain county retirement systems.

**SB 822**-By Clay.

An Act to amend chapter 320, RSMo, by adding thereto four new sections relating to fire protection, with penalty provisions.

**SB 823**-By Clay.

An Act to repeal section 208.071, RSMo 1994, relating to Missouri works program, and to enact in lieu thereof two new sections relating to the same subject.

**SB 824**-By Wiggins.

An Act to repeal section 494.425, RSMo 1994, relating to jury service, and to enact in lieu thereof one new section relating to the same subject.

**SB 825**-By Jacob.

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to certain representatives on college and university boards, and to enact in lieu thereof eight new sections relating to the same subject.

**SB 826**-By Jacob, Kenney, House, Maxwell, Staples, Wiggins, Steelman and DePasco.

An Act to repeal section 407.820, RSMo 1994, and sections 407.815, 407.816, 407.822 and 407.825, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

**SB 827**-By Scott, Schneider, Yeckel and Clay.

An Act to amend chapter 66, RSMo, by adding thereto fourteen new sections relating to the downtown revitalization act, with an emergency clause.

**SB 828**-By DePasco.

An Act to repeal section 313.830, RSMo 1994, relating to the Missouri gaming commission, and to enact in lieu thereof one new section relating to the same subject.

**SJR 47**-By Quick, Maxwell, Stoll, Staples, Howard, DePasco, Wiggins, Schneider, Scott, Bland, Clay, Mathewson, Caskey, Johnson and Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

**SJR 48**-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri relating to education, and adopting three new sections in lieu thereof relating to the same subject.

## **REPORTS OF STANDING COMMITTEES**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert H. Douglass, as a member of the State Board of Mediation;

Also,

Marilyn L. Robinson and Joe Ann Alexander, as members of the Advisory Committee on Lead Poisoning;

Also,

Ollie C. Fisher and Marcella W. Williams, as members of the State Board of Health;

Also,

Mildred L. Jamison and Christy D. Broce, as members of the Children's Trust Fund Board;

Also,

Thomas R. Davis and Paula L. Spring, as members of the State Board of Education;

Also,

Patricia M. Mahoney and Katherine Ann Borman, as members of the State Milk Board;

Also,

Patrick M. Gleason, Rachel E. Locke and Margaret "Meg" A. Harding, as members of the Hazardous Waste Management Commission;

Also,

Joan R. Shores, Terri L. Powell, Mary B. McDonald, Marie E. Carter and Donna J. Medlin, as members and Nolan G. McNeill, as a public member of the State Committee of Dietitians;

Also,

Charli Jo Ledgerwood, Roger M. Folk, H. Dwight Douglas and Chester C. Dudley, as members of the Safe Drinking Water Commission;

Also,

Rolfe C. McCoy, as a member of the Missouri Dental Board;

Also,

Clifford I. Whipple and Jewel L. Hunter, as members of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Lorene A. Van Dam, as a member of the State Board of Podiatric Medicine;

Also,

Dorothy Danforth Burlin and Judith Sutter Hinrichs, as members of the State Environmental Improvement and Energy Resources Authority;

Also,

Anita B. Gorman, as a member of the Conservation Commission;

Also,

Mary Wheeler-Jones, as a public member of the Missouri Board for Respiratory Care;

Also,

Sterling Adams and Nancy J. Reynolds, as members of the Missouri Commission on Human Rights;

Also,

Elizabeth B. Brown, as a member of the State Soil and Water Districts Commission;



Also,

William Hayden Creech, Jr., as a member of the Missouri Housing Development Commission;

Also,

Mary C. Hagerty, Dean E. Freeman, Roddy J. Rogers and Jeffrey D. Cawlfild, as members of the Dam and Reservoir Safety Council;

Also,

Lynne R. Nickolaisen, as a member of the Missouri Gaming Commission;

Also,

Paul A. Boudreau, as a member of the Personnel Advisory Board.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 829**-By Singleton.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physicians.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort Committee to act with a like committee from the Senate pursuant to **HCR 2**: Representatives Backer, Relford, Lawson, Reynolds, McKenna, Fraser, Riley, Meredith, McClelland, Shields, Ostmann, Tudor, Klindt and Long.

### **INTRODUCTIONS OF GUESTS**

On behalf of Senator Staples, the President introduced to the Senate, Dr. Larry Jackson, Doniphan.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 17, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 17, 2000

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 90:12 "So teach us to number our days, that we may apply our hearts unto wisdom."

Gracious Lord, You have given us the gift of time so teach us how to use it wisely. As we look over the year ahead of us, help us to set aside generous portions of each week for our families, our deeds of service and especially time with You, our God. Teach us to budget each day so that it may be used efficiently and be fruitful and to this end live life as You would want for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 13, 2000, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent with leave--Senators			
Clay	Flotron	Scott--3	
Vacancies--1			
The Lieutenant Governor was present.			

## RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1055, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Simmons, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1056, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill McCurry, Independence, which was adopted.

Senator Graves offered Senate Resolution No. 1057, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Lloyd Piepergerdes, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1058, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stanley Diegelman, Chula, which was adopted.

Senator Graves offered Senate Resolution No. 1059, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William F. Brady, Brookfield, which was adopted.

Senator Wiggins offered Senate Resolution No. 1060, regarding the death of Bryan Ross "Uncle" Bolden, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1061, regarding the death of Eugene E. Newman, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1062, regarding the death of Martha V. Newman, Raytown, which was adopted.

Senator Graves offered Senate Resolution No. 1063, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Max Kurtz, Holt County, which was adopted.

Senator Graves offered Senate Resolution No. 1064, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Paul Baugher, Cincinnati, Iowa, which was adopted.

Senator Quick offered Senate Resolution No. 1065, regarding the Missouri Society of Eye Physicians and Surgeons, which was adopted.

Senator Kenney offered Senate Resolution No. 1066, regarding Brandon Michael Godinez, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1067, regarding Jennifer Renee Jones, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1068, regarding the Ray and Rinda Christensen family, Blue Springs, which was adopted.

Senator Wiggins offered Senate Resolution No. 1069, regarding the death of Matthew Christian McGilley, Kansas City, which was adopted.

Senator Westfall offered Senate Resolution No. 1070, regarding David Heusing, Pleasant Hope, which was adopted.

Senator Westfall offered Senate Resolution No. 1071, regarding Tyler Cribbs, Brighton, which was adopted.

Senator Westfall offered Senate Resolution No. 1072, regarding Twyla Voris Stewart, Halfway, which was adopted.

Senator Quick moved that **SR 1051** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SR 1051** was adopted.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 830**-By Caskey.

An Act to repeal section 211.073, RSMo Supp. 1999, relating to juveniles, and to enact in lieu thereof one new section

relating to the same subject.

**SB 831**-By Childers.

An Act to repeal section 301.301, RSMo Supp. 1999, relating to motor vehicle license plate replacement, and to enact in lieu thereof one new section relating to the same subject.

**SB 832**-By Childers.

An Act to repeal section 301.464, RSMo Supp. 1999, relating to license plates, and to enact in lieu thereof one new section relating to the same subject.

**SB 833**-By Childers.

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

**SB 834**-By Kenney.

An Act to amend chapter 301, RSMo, relating to the registration and licensing of motor vehicles by adding thereto one new section relating to Shriners' license plates.

**SB 835**-By Staples.

An Act to repeal section 307.178, RSMo Supp. 1999, relating to seat belts, and to enact in lieu thereof one new section relating to the same subject.

**SB 836**-By Mueller.

An Act to repeal section 355.661, RSMo 1994, relating to not-for-profit corporations, and to enact in lieu thereof one new section relating to the same subject.

**SB 837**-By Wiggins.

An Act to repeal section 347.041, RSMo 1994, and section 347.039, RSMo Supp. 1999, relating to limited liability companies, and to enact in lieu thereof two new sections relating to the same subject.

**SB 838**-By Bland.

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to the commission on the death penalty.

**SB 839**-By Jacob.

An Act to amend chapter 196, RSMo, relating to tobacco by adding thereto three new sections relating to the same subject, with a contingent effective date.

**SB 840**-By Jacob.

An Act to repeal section 32.115, RSMo Supp. 1999, relating to tax credits on workers' compensation tax premiums, and to enact in lieu thereof one new section relating to the same subject.

**SB 841**-By Jacob.

An Act to repeal sections 304.010 and 304.015, RSMo Supp. 1999, relating to traffic restrictions on trucks, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

**SB 842**-By Flotron.

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to certain fire protection districts, with an emergency clause.

**SB 843**-By DePasco.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax on food.

**SB 844**-By Kinder.

An Act to repeal section 589.417, RSMo 1994, relating to registration of sex offenders, and to enact in lieu thereof two new sections relating to the same subject.

**SB 845**-By Rohrbach.

An Act to repeal section 443.851, RSMo Supp. 1999, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

**SB 846**-By House.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to long term care tax relief.

**SB 847**-By House.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for property taxes.

**SJR 49**-By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to taxation by adding thereto one new section relating to the same subject.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Maxwell delivered the following message:

Tribute to Dr. Martin Luther King

I rise to give tribute to a man who was one of my childhood heroes - a man who had the courage to share his dream - a man who had the capacity to raise the expectation of a generation - a man who had the ability to instill in his community the courage to overcome.

As a young boy, the son of a sharecropper, I vividly recall sitting in my home, a house which was owned by the man whose land my dad farmed, and watching the evening news every night on our black and white RCA TV as it unveiled a new social conscience as voiced by Dr. Martin Luther King. A conscience, which spoke of his hopes and dreams for the next generation, my generation.

Dr. King, in his speech at the Lincoln Memorial, August 1963, surrounded by over a quarter million Americans, spoke the following words:

"I have a dream that one day...little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers."

And that's what's at the heart of all social movements - making sure our children have a better world to live in. Making sure they have opportunities that we could only imagine.

That's why Dr. King and his followers marched on Washington. That's why the women of the suffrage movement gathered in Seneca Falls. And that's why our veterans camped outside of the White House. To make the world a better place for their children.

I know that my two children-Megan and Shannen - are on my mind every time I enter this distinguished chamber and vote or establish an agenda. And I know that everyone here in this room thinks of their families, their communities, and this great state when they vote or make a decision about where we are going.

And this is why we all need to be continuously asking ourselves - have we done all we can to make this a better world for our children, the next generation? Have we done all we can to fulfill Dr. King's vision of a society where our children are judged, not on the color of their skin but the content of their character? This is a question I ask myself every day I enter this chamber. And it's a question we must answer every time we debate our state's future as we face a new decade, a new century, and a new millennium. Are we doing everything we can to make this a better place for our children, the next generation? To keep this dream alive we must do more.

Poverty does not discriminate, hunger knows no bias, homelessness is not prejudice, and to keep Dr. King's dream alive, we must not either. We must do better for all of our children. We need to ensure that all of our children have access to quality health care, that they are allowed to attend safe schools, and that they have the right to be all that they can be, their God given right, their inalienable right to be all they can be.

So today we honor Martin Luther King. Not just for his efforts on behalf of African-Americans, but for all of our nation. Not just for his strides in the area of civil rights. And not just because we lost this man far too early in life. We honor him today because we also honor our children. And because we hope that their future will continue to be one in which children of all colors, races and creeds can come together, hand in hand. Let us work together to raise the expectations of the next generation, as Dr. King did for my generation.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rudy J. Arredondo, 8447 Jarboe, Kansas City, Jackson County, Missouri 64114, as a Student Representative of the Truman State University Board of Governors, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Jessica Neighbors, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patrick R. Brady, Democrat, 1025 Greenway Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Henry E. Clabaugh, Republican, 1948 Rustic Oak, Chesterfield, St Louis County, Missouri 63017, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan L. Constance, Republican, 3247 Longfellow Boulevard, St. Louis City, Missouri 63104, as a member of the Missouri Development Finance Board, for a term ending September 14, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Taylor C. Crouse, 14440 State Route DD, Savannah, Andrew County, Missouri 64485, as a Student Representative of the Missouri Western State College Board of Regents, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Kerri Clark, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brett S. Doennig, 306 Pleasant, Monett, Barry County, Missouri 65708, as a Student Representative of the Missouri Southern State College Board of Regents, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Christin Mathis, term expired.

Respectfully submitted,

MEL CARNAHAN



Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Garnett, Republican, 319 Northmoor Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Matthew A. Hackett, 10416 South Gibson Road, Lone Jack, Jackson County, Missouri 64070, as a Student Representative of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Karen Barmann, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John William Jermyn, D.O., 1235 South Williams, Moberly, Randolph County, Missouri 65270, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, Brian Robb, D.O., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry J. Lovejoy, D.C., 2910 Countyline Road, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Andre' L. May, 5421 Vera Avenue, St. Louis City, Missouri 63115, as a Student Representative of the Harris-Stowe State College Board of Regents, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas S. McDermott, 211 Fir Street, Desloge, St. Francois County, Missouri 63601, as a Student Representative of the Southeast Missouri State University Board of Regents, for a term ending January 2, 2002, and until his successor is duly appointed and qualified; vice, Timothy P. Arbeiter, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Whitney N. Morris, Rural Route 2, Box 63 M, Kahoka, Clark County, Missouri 63445, as a Student Representative of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Laura C. Berlin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen T. Sugg, 903 North Main, Carrollton, Carroll County, Missouri 64633, as a Student Representative of the University of Missouri Board of Curators, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Sarah Welch, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 13, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Erin E. Wilson, 3812 Berrywood Drive, Columbia, Boone County, Missouri 65201, as a Student Representative of the Central Missouri State University Board of Regents, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Stacy Tucker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

**SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 532**--Civil and Criminal Jurisprudence.

**SB 700**--Pensions and General Laws.

**SB 701**--Public Health and Welfare.

**SB 703**--Financial and Governmental Organi-zation.

**SB 704**--Civil and Criminal Jurisprudence.

**SB 705**--Agriculture, Conservation, Parks and Tourism.

**SB 706**--Judiciary.

**SB 707**--Civil and Criminal Jurisprudence.

**SB 708**--Civil and Criminal Jurisprudence.

**SB 709**--Labor and Industrial Relations.

**SB 710**--Ways and Means.

**SB 711**--Transportation.

**SB 712**--Local Government and Economic Development.

**SB 713**--Civil and Criminal Jurisprudence.

**SB 714**--Labor and Industrial Relations.

**SB 715**--Civil and Criminal Jurisprudence.

**SB 716**--Ways and Means.

**SB 717**--Ethics.

**SB 718**--Ethics.

**SB 719**--Ways and Means.

**SB 720**--Commerce and Environment.

**SB 721**--Local Government and Economic Development.

**SB 722**--Civil and Criminal Jurisprudence.

**SB 723**--Commerce and Environment.

**SB 724**--Local Government and Economic Development.

**SB 725**--Transportation.

**SB 727**--Financial and Governmental Organi-zation.

**SB 728**--Transportation.

**SB 729**--Education.

**SB 730**--Elections, Veterans' Affairs and Corrections.

**SB 731**--Elections, Veterans' Affairs and Corrections.

**SB 732**--Civil and Criminal Jurisprudence.

**SB 733**--Local Government and Economic Development.

**SB 734**--Labor and Industrial Relations.

**SB 735**--Commerce and Environment.

**SB 736**--Public Health and Welfare.

**SB 737**--Civil and Criminal Jurisprudence.

**SB 738**--Elections, Veterans' Affairs and Corrections.

**SB 739**--Insurance and Housing.

**SB 740**--Financial and Governmental Organi-zation.

**SB 741**--Appropriations.

**SB 742**--Judiciary.

**SB 743**--Ways and Means.

**SB 744**--Aging, Families and Mental Health.

**SJR 47**--Pensions and General Laws.

President Pro Tem Quick re-referred **SB 618** to the Committee on Elections, Veterans' Affairs and Corrections.

## COMMUNICATIONS

President Pro Tem Quick submitted the following:

January 17, 2000

Senator Stephen M. Stoll

Missouri Senate

State Capitol, Room 429

Jefferson City, MO 65101

Dear Senator Stoll:

It is my pleasure to appoint you to serve on the **Missouri Children's Services Commission** (pursuant to Section 210.101, RSMo 1994) to fill the vacancy created by the resignation of Senator J. B. "Jet" Banks. You will be serving on this Commission along with Senator J. T. Howard, Senator Roseann Bentley, Senator Betty Sims, Speaker Steve Gaw, Representative Vicky Riback Wilson, Representative Mary Kasten and Representative Emmy McClelland.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Edward E. Quick

Edward E. Quick

President Pro Tem

## **INTRODUCTIONS OF GUESTS**

Senator Rohrbach introduced to the Senate, Mark Moore, St. Louis.

On behalf of Senator Caskey, the President introduced to the Senate, Missouri State Girls Golf Champion, Mindy Bullard and her family, George, Bonnie and Brent Bullard and Esther Hines, Warrensburg; and Carleigh and Margo Smith, Jennifer and Mary DeVries and Ali and Gina Gable, Warrensburg.

Senator Jacob introduced to the Senate, Skip Elkin, Pete Herring, John Schloop, Terry Frazee, Carl South, John Darby, Shawn Grove, Cheri Reisch and Vikki Salerno, Hallsville; Lynn Behrns and Daniel Hamilton, Centralia; and Sgt. Lester Elder, Missouri State Highway Patrol.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 18, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Ulysses S. Grant said shortly before his death: "God does not need great men but great men need God."

Almighty God, we thank You that You love us and that You have allowed us the opportunity to discover our great need of You in our lives. As we serve in this chamber we recognize the great honor and privilege we have been given us but we also recognize our need for Your guidance, directing us towards Your kingdom and the fulfillment of Your will for us as we try to be all You have created us to become. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

Senator Mathewson assumed the Chair.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

CONCURRENT RESOLUTIONS



Senator Klarich offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, the Congress of the United States has required the use of reformulated motor fuel in many major urban centers of the nation, known as "non-attainment areas" for failure to attain air quality standards; and

WHEREAS, this reformulated motor fuel most often achieves the federal requirement for "oxygenated" components through inclusion of a substantial amount of methyl tertiary-butyl ether or MTBE; and

WHEREAS, motor fuels are often leaked into the ground surrounding a fuel station by leakage from underground storage tanks or splashing losses; and

WHEREAS, MTBE is more water-soluble than components in conventional gasoline; and

WHEREAS, MTBE is transported much more readily into aquifers used for drinking water supplies; and

WHEREAS, MTBE renders drinking water foul and unusable by humans; and

WHEREAS, MTBE has been used in reformulated motor fuel required throughout the St. Louis non-attainment area during the warm weather season beginning in 1999:

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Department of Natural Resources be instructed to assess the extent of contamination of ground and surface water in the St. Louis non-attainment area and the risk of future contamination in that area from continuing use of reformulated motor fuel containing MTBE and to report its findings to the General Assembly and Governor no later than December 15, 2000; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Director of the Department of Natural Resources.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 848**-By Stoll and Maxwell.

An Act to amend chapter 393, RSMo, relating to gas, electric, water, heating and sewer companies, by adding thereto ten new sections relating to retail energy customer and worker protection, with an emergency clause.

**SB 849**-By Stoll.

An Act to repeal sections 700.015, 700.025, 700.045, 700.050 and 700.090, RSMo Supp. 1999, relating to manufactured housing, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

**SB 850**-By Scott.

An Act to repeal section 334.128, RSMo 1994, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

**SB 851**-By Wiggins and Stoll.

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 1994, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

**SB 852**-By Flotron.

An Act to repeal sections 135.357 and 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof

one new section relating to the same subject, with an effective date.

**SB 853**-By Flotron.

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the department of revenue oversight board.

**SB 854**-By Sims.

An Act to repeal sections 197.305, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.366 and 197.367, RSMo Supp. 1999, relating to certificate of need, and to enact in lieu thereof four new sections relating to the same subject.

**SB 855**-By Kinder and Yeckel.

An Act to repeal section 160.400, RSMo Supp. 1999, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

**SB 856**-By Maxwell.

An Act to repeal section 198.530, RSMo Supp. 1999, relating to long-term care facilities, and to enact in lieu thereof one new section relating to the same subject.

**SB 857**-By Maxwell.

An Act to amend chapter 276, RSMo, by adding thereto thirteen new sections relating to livestock.

**SB 858**-By Maxwell.

An Act to repeal sections 610.021 and 610.027, RSMo Supp. 1999, relating to the sunshine law, and to enact in lieu thereof two new sections relating to the same subject.

**SB 859**-By Jacob.

An Act to repeal section 461.051, RSMo Supp. 1999, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

**SB 860**-By Jacob.

An Act to repeal section 376.1361, RSMo Supp. 1999, relating to health insurance, and to enact in lieu thereof one new section relating to the same subject.

**SB 861**-By Jacob.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to insurance security deposits.

**SB 862**-By Jacob.

An Act to repeal section 384.043, RSMo 1994, relating to surplus lines insurance, and to enact in lieu thereof one new section relating to the same subject.

**SJR 50**-By Stoll.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri relating to bingo, and adopting one new section in lieu thereof relating to the same subject.

## **REFERRALS**

President Pro Tem Quick referred the Gubernatorial Appointments appearing on pages 102 through 104 of the Senate Journal for Monday, January 17, 2000, to the Committee on Gubernatorial Appointments.

## **COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following committee pursuant to **HCR 2**: Senators Quick, DePasco, Scott, Mathewson, Jacob, Howard, Russell, Bentley, Mueller and Sims.

## **INTRODUCTIONS OF GUESTS**

Senator Yeckel introduced to the Senate, Girl Scout Troops 510 and 514 from St. Catherine Laboure School, St. Louis County; and Jennifer Ryan, Jenna Polizza, Ali Burns and Danielle Rogaczewski were made honorary pages.

Senator Kinder introduced to the Senate, David Smith, Columbia.

Senator Steelman introduced to the Senate, Dr. Jeff and Sandy Kerr, Rolla; and Dr. Sue Meiner, St. Louis.

Senator Bland introduced to the Senate, Linda Manlove, Kansas City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. David M. Ota, M.D., and Gwen Ratermann, Columbia.

Senator Howard introduced to the Senate, Mr. and Mrs. Jay Decker, and their daughter Lauren, Poplar Bluff; and Lauren was made an honorary page; and Taya Walters, Jefferson City.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

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**NINTH DAY--WEDNESDAY, JANUARY 19, 2000**

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The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Colossians 4:5-6 "Walk in wisdom towards them that are without...Let your speech be always with grace."

Gracious Father: help us do our best at all times, to behave as You would have Your children "who walk in wisdom" live. Help us that we might use our intelligence wisely, at every opportunity to effectively help those who are in need of kindness and provide direction for those who are lost. May our daily behavior express warm hearts, kindly voices and an open hand that enables our speech and actions to be endowed with grace for others to see and know You through us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Singleton--1			
Vacancies--1			
The Lieutenant Governor was present.			

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following additions to the Escort Committee to act with a like committee from the Senate pursuant to HCR 2: Representatives Bray, Williams 121, Summers and Elliott.

Senator DePasco moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Mel Carnahan, which motion prevailed.

## JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Singleton--1			
Vacancies--1			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Akin	Alter	Auer
Backer	Ballard	Barnett	Barry (100)
Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright
Boucher	Boykins	Bray (84)	Britt
Burton	Campbell	Carter	Champion
Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis (122)	Davis (63)
Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham (106)	Graham (24)
Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler (123)	Hartzler (124)	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kelly (27)	Kennedy	King
Kissel	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May (108)	Mays (50)	McBride
McClelland	McKenna	McLuckie	Merideth
Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor
Ostmann	O'Toole	Overschmidt	Parker
Patek	Phillips	Pouche	Pryor

Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Ross	Sallee
Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Stokan
Summers	Surface	Thompson (72)	Townley
Treadway	Troupe	Tudor	VanZandt
Vogel	Wagner	Ward	Wiggins
Williams (121)	Williams (159)	Wilson (25)	Wilson (42)
Wright	Mr. Speaker--158		
Absent and Absent with Leave--Representatives			
Bonner	Kasten	Kelley (47)	Robirds
Thompson (37)--5			

The Joint Committee appointed to wait upon His Excellency, Governor Mel Carnahan, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

## OPENING THE DOORS TO A NEW CENTURY

### STATE OF THE STATE ADDRESS

January 19, 2000

Governor Mel Carnahan

Mr. President, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Mr. Chief Justice, Members of the State Supreme Court, Members of the 90th General Assembly, and Citizens of the State of Missouri:

### ***INTRODUCTION***

After I finished my service in the Air Force, Jean and I moved back to Missouri so I could attend law school at the University of Missouri in Columbia.

Our first home was a small one near the Fairgrounds.

And at that time, when the Boone County Fair was going strong, if it was a hot day and the wind was in the right direction, the air around our house could become pretty strong as well.

But that's a whole other story.

The contractor who built our house had purchased the material to construct a series of houses--all in a row and all the same design.

However, since our house was the last in the series to be built, it was cobbled together with the leftover scraps.

The flooring boards were all different sizes.

The bathroom tile and kitchen cabinets were also mix and match, so let's just say, those two rooms had their own unique character.

And the trim and the hardware in the house did not even come close to matching.

But the most distinctive feature of the house was one we first discovered on the day we arrived.

The way our home was designed, the garage was supposed to lead into a laundry room that led to the rest of the house--except it didn't.

The contractor had never finished the job.

There was no door.

The steps in the garage, which were supposed to connect to the laundry room, led right up to a solid wall.

Over the next three days and nights, while Jean and I slept with our baby boy Randy on the floor waiting for our furniture to arrive, we had plenty of time to discuss what we were going to do about this problem.

But when the furniture movers arrived, our problem was solved.

When the last piece of furniture was off the truck, the mover found a door.

Now none of us had any idea where that door came from, but when the mover asked us if we wanted it, we certainly accepted.

Then I got out my tools, and after a lot of work with a hammer and saw, I managed to cut a hole in the wall, build a frame for the door, and actually hang the door.

Now with my limited carpentry skills, this task was no mean feat.

In fact, the first time that I tried to hang that door, I put the hinges in wrong, and the door fell right out of its frame.

I'm sure it looked like a bad episode from "Tool Time."

But when the job was finally finished, and we could approach the door with every confidence that it would not only open properly but not fall on any of us in the process, I was quite proud of my handiwork.

I tell you this story because I believe it illustrates why we are here as public servants on behalf of the citizens of the State of Missouri.

For the past seven years, our administration has worked with you to open doors for Missourians.

Sometimes, it was just a matter of a little oiling and planing to make the doors work properly.

Other times, we had to take the door out and start over.

And on some occasions, just like in the case of Jean and my first house, we began at square one and put in a door where one didn't exist before.

However, because of what we have been able to accomplish...because of the doorways we built and the new opportunities we created...Missourians are now better educated, healthier, and safer than they were when we started.

### ***ECONOMY***

Any builder will tell you that in order for doors to open properly, you must begin with a solid foundation.

For our state, that foundation is a strong economy.

Through our responsible fiscal management and aggressive economic development efforts of the past seven years, we have built that foundation.

Certainly, Missouri faces some difficult economic challenges.

Most urgent among them is the crisis confronting our family farmers and our entire agricultural sector.

But overall, our state's economy remains strong.

Since 1993, we have helped to create a net total of more than 365,000 new jobs for Missourians.

And remember that seven percent unemployment in 1993?

Today Missouri's unemployment rate is 2.3 percent--the lowest in thirty years.

Another positive development for Missourians since 1993 is what has happened to median income.

The median income of Missouri families has risen 11.4 percent in real terms since 1993.

And we have achieved all this while keeping our own house in order.

We've kept our state debt very low, and we continue to be one of only a handful of states with a triple A bond rating from all major rating agencies.

Furthermore, we've succeeded in providing meaningful tax relief for Missouri's working families.

Seven years ago, to help give our young people a better education, taxes were raised on higher income earners.

Then we were able to get to work on cutting taxes.

The cutting began in 1994 and 1996.

And we really got moving in 1997, 1998, and 1999.

Among other things, we cut personal income taxes several times and eliminated the general state sales tax on food.

We also cut the franchise tax and exempted small businesses entirely.

Some of our tax cuts from last year are just now kicking in.

When they do, we will have provided approximately \$650 million in permanent tax cuts since 1994, and a net decrease in taxes of more than 300 million dollars since the beginning of this administration.

Your association--the bipartisan National Conference of State Legislatures--recently noted that because of the tax cuts we passed in 1999, Missourians will receive the third largest tax cut in the nation this year.

Last year, we provided Missourians with the second largest tax cut in the nation.

And the year before that, Missourians received the ninth largest tax cut in the country.

That is a remarkable record, and we did it all while still being able to increase resources for our schools, expand services to senior citizens, improve access to quality health care--particularly for our children--and meet other crucial challenges and responsibilities.

Is it any wonder that Missouri received national recognition last year when Governing Magazine gave our state the highest grade in a landmark study of state government management practices?

We were one of only four states to receive this honor.

Our challenge now is to sustain this strong economy and ensure that all areas of the state benefit from this economic growth.

We are well positioned to do both.

With your help, over the past few years, we have put into place some of the most creative and aggressive economic development tools anywhere in the nation.

And we are seeing dramatic results.

Significant job growth and job retention.

A growing high-tech industry spurred by new seed capital.

Major development projects that not only generate new business, but preserve the unique historic character of our downtowns and neighborhoods as well.

And job training programs that will guarantee we have a competitive workforce for the 21<sup>st</sup> century marketplace.

Initiatives such as our historic preservation tax credit, distressed communities program, and neighborhood preservation act have brought tremendous statewide benefits.

And in our urban areas, these initiatives are generating a true renaissance.

This is important for all Missourians because the urban centers are major economic engines that help provide sustained prosperity throughout Missouri.

## ***EDUCATION***

As my first official act as Governor back in 1993, I opened the doors of the Governor's Office to a group of 80 elementary students.

I wanted to send a clear message to all Missourians that the education of our young people would be our administration's top priority.

I told those students that we would be doing everything possible to give them the educational resources they needed to succeed in the years ahead



and that we would be doing something never done in the history of education in Missouri.

And now we are seeing the positive results of our effort.

Our improvements begin at our children's earliest age--those years that research now confirms are critical to their future success.

As a result of our early childhood care and education initiative two years ago and stronger investment in other early childhood programs, we are now greatly increasing the access of Missouri families to quality child care programs for their young children.

Our Outstanding Schools Act, which I signed into law my first year in office, has made a tremendous impact in classrooms across Missouri.

Thanks to its improved way of distributing school funding, emphasis on technology, new performance standards, tough accountability measures, and other initiatives, education in Missouri is taking important steps forward.

Since 1993, we have reduced class sizes in our lower grades.

The number of kindergartners now enrolled in full time programs has increased by 137 percent.

The number of schools offering summer school has increased by 165 percent.

Dropout rates for Missouri students have gone down, and graduation rates have climbed.

And we have connected 97 percent of the school districts in Missouri to the Internet.

These are real demonstrations of progress that our schools can take pride in having achieved.

Another program from the Outstanding Schools Act which is greatly benefiting Missouri students is our A-Plus Program.

If students complete our A-Plus curriculum successfully, they can attend a Missouri public community college, state technical college, or adult program at an area vocational school for two years and have their tuition and books fully paid.

One of the many students to benefit from this innovative program is Patrick Cox from my hometown.

Patrick was a member of the first class to complete the A-Plus curriculum at Rolla High School.

A-Plus helped him attend State Fair Community College in Sedalia.

Now a junior business management major at the University of Missouri in Columbia, Patrick feels those two years of personal and academic growth at State Fair gave him a leg up in succeeding at the University.

He also was greatly influenced by the 50 hours of mentoring he was required to complete as a part of the A-Plus curriculum.

Patrick mentored elementary and junior high at-risk students in the Rolla school system.

He gained such personal satisfaction from that experience that he spent ten weeks this past summer working with troubled boys at the Boys and Girls Town in St. James.

At this time, I would like to ask him to stand so you can all meet this fine young man.

To continue our significant progress in education, I am proud to recommend that once again our school foundation formula be fully funded.

I also want to see more of our teachers become National Board Certified teachers.

We currently have only 29 nationally certified teachers in our entire state.

Under my plan, we will pay the application fees for the certificate and the cost for substitute teachers' pay so we can prepare 100 new teachers to become nationally certified.

Keeping Missouri students safe has been another major objective of our administration.

Under our Safe Schools Act of 1996, we will continue to offer school district grants, which they can tailor to make their schools a more secure environment for students.

This legislative session I want to build on this progress by asking the legislature to approve several recommendations that were made by the School Violence Task Force I appointed last year.

One step we need to take is clarifying the definition of gun-free school zones for our school districts.

A gun-free school zone should exist in any school setting--on the school bus or playground or at an extracurricular activity.

Our penalties for making false bomb threats should be expanded to include any threat to harm students and school property.

We also need to put stronger laws on the books to keep our children safe from dangerous firearms.

How many times have we picked up the paper to read about young children who harmed a playmate or suffered personal injury themselves because a loaded firearm was readily available?

To prevent more of these tragedies, I am proposing legislation to require that every new handgun sold in our state must be sold with a child safety lock.

While we are working to create a safe environment for our students, we've also got to do more to reduce violent behavior in the first place.

Specifically, we must do more to build character and personal strength in our young people--to instill respect and a sense of community--to prepare our children to be the leaders of tomorrow.

Incidents such as the Columbine shooting in Colorado or bomb threats here in Missouri should not happen.

But to prevent them, we have to teach our children to respect each other and to know right from wrong.

That responsibility rests primarily with parents.

However, all of us have a role to play in helping our children build character and become responsible adults.

Our recently released School Violence Task Force report recommends several concrete steps we can take immediately to reduce violent behavior and build character among our young people.

Those recommendations include:

---teaching our children the social skills they need to get along with each other and respect one another;

---and creating opportunities for children to use peer mediation and conflict resolution;

---and incorporate anti-drug, anti-violence, and anti-gang messages in their every day lives;

Most of these recommendations revolve around the classroom.

While decisions about curriculum should be made at the local level, I strongly encourage communities to seriously consider implementing these recommendations, which I strongly endorse.

Together, we can make a real difference in our children's lives.

We can build the character and moral stamina they need to grow into decent, honest adults.

### ***URBAN SCHOOLS***

Certainly, one of our biggest challenges will be helping our two largest urban school districts in St. Louis and Kansas City to improve.

Last October, our State Board of Education advised both districts that they were going to move into unaccredited status because they are not meeting crucial academic performance standards.

For more than two decades, these districts have been under the control of the federal courts, who directed billions of dollars to the two districts with no accountability taking place.

Now, finally, that is no longer the case.

This administration and Attorney General Jay Nixon have been able to accomplish what previous administrations and attorneys general could not--convincing the federal courts that they should return local control of the school districts to local leadership.

We did this two ways.

First, we were able to develop and establish new lines of communication in the community and bring together those who understood the importance of a successful public school system to these urban areas.

Second, our Department of Elementary and Secondary Education, under the leadership of Commissioner Bartman, together with the State Board of Education, under the leadership of Peter Herschend, formulated an urban education plan which demands accountability and high standards.

It is their work which the court recognized in its order November 17, 1999, when it stated one of its reasons for restoring "state and local authorities to the control of the Kansas City School District."

And so, as we begin the 21st century, we can all focus on education, not litigation.

We should give the law and the new accountability measures time to do their jobs.

With the courts moving out of the way, the state is working aggressively to help those districts repair their long-standing and long-neglected problems.

Our Department of Elementary and Secondary Education has been working closely with both the Kansas City and St. Louis school districts to help them improve their academic performance and meet the requirements of the new standards within two years.

The two school districts have recently announced preliminary school improvement plans, taken steps to downsize their central office bureaucracies, and established direct lines of communication with their building principals--all key steps to progress.

In both districts, state education officials are identifying and assigning expert teachers to work directly with principals and teachers to introduce "best practices" from other schools.

Some people have declared that a state of emergency has suddenly arisen because the two urban districts are not meeting the new standards.

The reality is that the emergency in urban education has existed for many years, and the lack of accountability during the period of court control has made the problems worse.

Now, with our new standards in place, the problems are finally being measured.

And with the courts moving out of the way, we can finally hold those districts accountable for results--like we are doing in the rest of Missouri.

### ***TOBACCO SETTLEMENT***

The national tobacco settlement provides us with new opportunities to improve the health of future generations of Missourians.

While yesterday's court decision may be good news, all litigation is not finally resolved.

And it is unclear whether the federal government will attempt to recover part of these funds.

But we must be prepared to receive and use these funds effectively and appropriately when they do begin to arrive.

That means we need to have a plan in place, and that plan must be sent to a vote of the people if we are to ensure that the settlement is not tied up in further lengthy litigation.

I believe we should establish a Trust Fund to set aside the tobacco settlement money and require clear accountability for the use of the funds.

I believe that these funds would be most appropriately used for health care; smoking prevention efforts; health research that will prevent or cure diseases such as cancer and heart and lung disorders; early childhood education and care; and helping senior citizens pay the spiraling costs of prescription drugs.

And I believe that most Missourians would agree.

So I am asking you to authorize a ballot issue that would establish a trust fund to set aside the tobacco settlement funds and designate these specific uses for this new source of state money.

### ***CHILDREN***

Together we have worked hard to open doors for those who are unable to open them on their own--our children.

Some of this progress is the result of our work on increasing access to health care and better child abuse prevention efforts.

Because of the emphasis we have placed on seeing that our youngest citizens are immunized, today almost 86 percent of Missouri 2-year-olds have received this protection from harmful diseases.

Missouri has jumped from 49th in the nation to seventh place today on this important measure.

Probably one of the greatest days for me as Governor was when we worked together to provide access to health insurance for the thousands of Missouri children who were uninsured.

Thanks again, Senator Quick.

Now as a result of our efforts, over the past 18 months, we have been able to extend health care coverage to over 56,000 of these formerly uninsured children.

Two of those children and their parents are here with us today--Kayla and Kyle Miller and their parents, John and Lisa.

This family is from Potosi.

John and Lisa have always worked hard to support their family.

But their wages have not always made it possible for them to pay for health insurance for their children.

Today, Lisa is the MC-Plus Coordinator for Washington County, and her children have health insurance, thanks to MC-Plus.

Kayla was finally able to get the dental care she desperately needed, and Kyle, who was having some problems with his school work because of vision problems, finally got glasses and is now doing well.

Just recently, John got a promotion at his job, and now the children will be moving to the co-pay group of MC-Plus For Kids.

But as Lisa says,

"I no longer have to tell the kids we don't have the money to take them to the doctor and stay awake nights praying their pain and sickness will go away."

Please help me welcome John and Lisa Miller and their children Kayla and Kyle.

To build on our past record of protecting the lives of children, I will be urging you this legislative session to take action on several priorities of the Child Fatality Task Force, which I appointed last spring.

One of those is to put one of the most stringent laws in the nation on the books to stem the flow of child pornography on the Internet.

Our state definition of what constitutes child pornography will be brought up to date by including computer data, computer generated images, digital camera images or pictures, and visual depictions.

We propose enhancing the penalty for those who attempt to sell or produce child pornography to a sentence which would range from 10 to 30 years to life in prison.

In addition, the penalty for the possession of child pornography would be increased.

Our initiative also defines a new crime--furnishing pornography to a minor--which will be considered a Class A felony.

Thanks to legislation approved over the last three years, Missouri now has one of the strongest sexual predator laws in the country.

But this session, we need to add new provisions to protect our children.

Our proposal would allow the crimes of sexual assault, child molestation, and sexual abuse to be used in charging someone as a sexual predator.

### ***METH***

Another initiative I propose that the General Assembly adopt this session would increase the punishment for those who manufacture the dangerous drug methamphetamine around children.

We already have one of the toughest "meth" laws in the country--a model being used in other states and one that Congress is trying to emulate.

However, this year, I would like to see us expand on our work so we can offer protection to the children who are forced to live in the middle of these drug dens.

One of the horror stories that law enforcement officers have discovered while waging our war on "meth" is that some of those who manufacture this sinister substance do so at home with their children present.

I urge you to create the crime of unlawful drug transactions with a child--with a potential penalty of life in prison.

## ***CRIME***

Although our administration has been committed to opening doors to new opportunities for Missourians over the past seven years, we have tried to slam some doors shut as tight as possible--prison doors.

Thanks to your help with this effort, our most dangerous criminals are now serving an average of ten years longer than they did under the previous law.

The most violent juvenile offenders who commit adult crimes are now receiving adult sentences.

Sexual predators can now be given life sentences with a mandatory minimum of thirty years before ever being eligible for parole.

And victims are now receiving more support and assistance than under any other administration in Missouri's history.

These changes, in addition to greatly increased law enforcement training and resources, are having the desired effect.

The violent crime rate which was headed upward in 1992 has been reversed.

Since that time, Missouri's violent crime rate has decreased by over 26 percent.

To continue our efforts to improve safety and fight crime, this year I am asking your help in cracking down on one of the major causes of deaths and injuries in our state--drunken drivers.

Under the terms of our proposal, the legal blood alcohol content level for drivers of vehicles and boats will be lowered from .10 to .08.

The maximum jail time for a first offense will be increased from six months to one year.

We will also establish a new crime defined as aggravated driving with excessive blood alcohol content for drivers who risk the lives of others by getting behind the wheel with a blood alcohol content of .15 or greater.

Another area of our DWI law which particularly cries out for reform is the way we deal with repeat offenders.

Right now, drunken drivers that put the lives of you and your loved ones at risk can have three prior convictions before they can be convicted of a felony.

I propose those who have a blood alcohol content of .15 or above should receive a felony conviction on the first offense.

And there will be no more escapes for those first-time offenders who are given suspended impositions of sentence for driving under the influence.

That possibility will be gone.

I would also propose that our Boating While Intoxicated laws parallel the DWI laws.

I realize these are extremely tough new provisions, but when you think about one American dying every thirty-two minutes because of an alcohol-related crash or someone being injured every two minutes because of alcohol impaired drivers, tough is what we need to be.

## ***SENIOR CITIZENS***

Another door that must be opened wider over the next few years in our state is the one that offers service to seniors.

We rank 12th nationally in the percentage of our population that is age 65 or older.

And projections tell us that by the year 2020, one fourth of our entire state population will be seniors.

From the beginning of our administration, helping seniors achieve the best quality of life possible has been a top priority.

This year, we want to take new steps to assure the quality of care for our elderly and protect them from abuse.

We already have a Long Term Care Ombudsman Program with 345 volunteers visiting our nursing homes and residential care facilities.

Sad as it is to say, most elder abuse occurs at home. We want to establish a new In-Home Ombudsman Program so volunteers can report those incidences of abuse or neglect that are taking place in home settings.

We also want to provide grants to medical schools and other organizations that educate health care professionals for the development of courses and educational materials on elder abuse.

And we will start four new pilot projects called Aging In Place.

The goal of these projects is to enable elderly individuals to remain in their homes and communities as long as possible by delaying or avoiding the need for institutional care through case management and in-home services.

### ***TRANSPORTATION***

For the last three years, I have urged Republicans and Democrats to work together with me in opening the door to major improvements in our state transportation system.

We must continue that effort.

Our transportation infrastructure is crucial to our state's economic well being.

But so far, we have been unable to reach consensus on how to move forward.

Consensus is crucial because the reality is that we are either going to move forward together, or we're not going to be able to move forward at all.

Fiscal responsibility is also crucial.

We must develop a plan that will not burden future generations with debt and will not endanger our state's solid bond rating.

But if we work together, we can find a solution, and I remain committed to working with you to do so.

### ***AGRICULTURE***

One of the doors we must fight--and fight hard--to keep open leads to new hope for our sagging farm economy.

Low prices at the market and severe weather conditions in many areas have been a devastating combination for Missouri citizens who are trying to make a living by farming.

I want to provide additional resources for our Department of Agriculture to help farmers better market their products and adopt innovative alternatives to traditional agricultural practices.

I am calling for a stronger investment in our Rural Economic Assistance Program to assist rural communities.

And I have called for the immediate formation of a Farm Crisis Response Task Force to review and identify current state and federal resources and regulations to assess how we may be able to help the plight of our family farmers.

### ***CONCLUSION***

Since this will be the last time I will come before you in this public setting, I want to thank you, the members of the Missouri General Assembly, for all we have been able to accomplish.

While we have made significant progress together, our work is far from finished.

I have outlined an ambitious agenda for this session, and we owe all Missourians our best efforts.

Before I leave this dais, I want to recognize some others as well.

I want to thank my family for their constant love and support--and particularly my wife Jean, a First Lady who is truly remarkable.

I want to thank our team of statewide elected officials for being just that--a team.

And I want to thank our cabinet.

I also want to give a very special thank you to another team--my staff--both past and present.

No Governor could be more blessed.

To our state workers who give their all every day to provide better service for this state--a big thank you to you.

Once again, I am recommending marketplace salary increases for our state employees.

The average state employee will receive approximately a four percent increase.

And finally, my thanks to the people of the State of Missouri.

Now before I leave this chamber, I want to introduce you to several excellent reasons why we entered public service and why we continue to serve.

These are members of the Tiger Pre-School in Lamar, and they are accompanied by the director of the facility, Colleen Ratcliff.

Tiger Pre-School serves 20 children in the morning and 20 in the afternoon and collaborates with the local Head Start Program to provide services to an additional 10 children.

It is linked with the Lamar school system and is located right across from the middle school.

Because the school district provides funding for professional development under a curriculum training program called Project Construct, Tiger Pre-School is helping to coordinate its services with the other two pre-schools in town and the local Head Start Program.

This is an important first.

But Tiger Pre-School is a first in itself.

The students who attend here would not be receiving early childhood care and education if it weren't for Tiger Pre-School.

And Tiger Pre-School would not be there if it had not been for the support of many of you.

Tiger Pre-School is one of the first new facilities to be established, thanks to House Bill 1519, which expanded our state's early childhood and education programs.

So now I want you to meet this fine group of youngsters who came all the way from Lamar to do a song that they've learned for you.

Ladies and gentlemen, here is our future.

In these eyes rests the vision of dreams unseen.

In these hands lie achievements yet to be realized.

And in these hearts burns the hope of a better Missouri to come.

May the Almighty guide our words and deeds in the days ahead as we go about our business...preparing the way for Missouri's children...by opening doors to a new century.

Thank you.

On motion of Senator DePasco, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wiggins.

## **RESOLUTIONS**

Senator Caskey offered Senate Resolution No. 1073, regarding Missouri Highway Patrol Captain Stephen R. Johnson, which was adopted.

Senator Caskey offered Senate Resolution No. 1074, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert L. Fenwick, Lowry City, which was adopted.

Senator Yeckel offered Senate Resolution No. 1075, regarding Lawrence B. Giesing, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1076, regarding Frank Ziegler, Jr., St. Louis, which was adopted.

Senator Stoll offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 1077**

WHEREAS, the members of the Missouri Senate regard the birth of a child as one of life's most joyful, rewarding, and miraculous events; and

WHEREAS, Maggie Allison Irelan entered this world at 1:22 p.m. on Sunday, January 9, 2000, and received a delightful welcome from the smiling faces of her proud parents, Laura Allison (Woods) and Corey Irelan; and

WHEREAS, tipping the scales at six pounds, fifteen ounces and measuring eighteen and three-quarters of an inch long, little Maggie was pronounced the very picture of infant health and beauty by the medical staff at St. Johns Mercy Hospital in St. Louis; and

WHEREAS, news of Maggie's birth warmed the hearts of other family members, including her maternal grandparents, Steve and Kathleen (Woods) Stoll and the late Mark Woods; her paternal grandparents, Steve and Betsy Irelan; and her great-grandparents, aunts, uncles, and cousins; and

WHEREAS, Maggie Irelan will never lack love, support, or encouragement because of these wonderfully devoted relatives who will forever play an important part in the growth and development of this spectacular child in the years to come; and

WHEREAS, although she is not yet a month old, Maggie Irelan can rest assured that she has been blessed with the best family in the whole wide world:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join the Honorable Steve Stoll in extending a very cordial Show-Me State welcome to his adorable granddaughter, Maggie Allison Irelan, and in extending heartfelt congratulations and best wishes to her parents, Laura Allison and Corey Irelan, upon the precious birth of their beautiful baby; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the parents of Maggie Allison Irelan, as a memento of this important milestone.

### **REFERRALS**

President Pro Tem Quick referred **SCR 23** to the Committee on Rules, Joint Rules and Resolutions.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 863**-By Caskey.

An Act to repeal sections 104.374 and 104.610, RSMo Supp. 1999, relating to retirement of certain state employees, and to enact in lieu thereof two new sections relating to the same subject.

**SB 864**-By Caskey.

An Act to repeal section 288.090, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 865**-By Goode.

An Act to repeal section 353.020, RSMo 1994, and sections 144.757, 144.759 and 144.761, RSMo Supp. 1999, relating to neighborhood improvement, and to enact in lieu thereof ten new sections relating to neighborhood reinvestment, with an emergency clause.

**SB 866**-By Klarich.

An Act to repeal sections 143.331, 361.230, 361.250, 361.390, 361.440, 361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.115, 362.116, 362.235, 362.325, 362.440, 362.450, 362.700 and 362.710, RSMo 1994, and sections 148.064, 362.464 and 362.680, RSMo Supp. 1999, relating to financial institutions, and to enact in lieu thereof twenty-four new sections relating to the same subject.

**SB 867**-By Maxwell.

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to Missouri certified capital company law, and to enact in lieu thereof three new sections relating to the same subject.

**SB 868**-By Stoll.

An Act to repeal section 249.470, RSMo Supp. 1999, relating to countywide wastewater treatment authorities, and to enact in lieu thereof one new section relating to the same subject.

**SB 869**-By Schneider.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to the attorney general.

**SB 870**-By Schneider.

An Act to repeal sections 66.010, 211.023, 478.265, 478.266, 478.267 and 487.050, RSMo 1994, and sections 478.003, 478.268, 478.466, 479.500, 487.020, 487.030, 487.040, 487.170, 535.200 and 535.210, RSMo Supp. 1999, relating to judicial commissioners in circuit courts, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause and expiration dates for certain sections.



**SB 871**-By Flotron.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for lead abatement, with an effective date.

**SB 872**-By Flotron and Rohrbach.

An Act to repeal section 650.055, RSMo Supp. 1999, relating to the department of public safety, and to enact in lieu thereof one new section relating to the same subject.

**SB 873**-By Flotron.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to small businesses.

## COMMUNICATIONS

President Pro Tem Quick submitted the following:

January 19, 2000

Senator Sidney Johnson

State Capitol, Room 332

Jefferson City, MO 65101

Dear Senator Johnson:

It is my pleasure to appoint you to serve as Chairman of the Senate Public Health and Welfare Committee to fill the vacancy created by the resignation of Senator J. B. "Jet" Banks.

I have appointed Senator Jim Mathewson to serve as Chairman of the State Budget Control Committee and request that you remain on the committee as a member.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Edward E. Quick

Edward E. Quick

President Pro Tem

Also,

January 19, 2000

Senator James L. Mathewson

State Capitol, Room 323

Jefferson City, MO 65101

Dear Senator Mathewson:

It is my pleasure to appoint you to serve as a member of the State Budget Control Committee to fill the vacancy created by the resignation of Senator J. B. "Jet" Banks. Senator Johnson has given up Chairmanship of this committee, having been appointed Chairman of the Committee on Public Health and Welfare. I am therefore appointing you to serve in the capacity of Chairman of the Committee on State Budget Control.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Edward E. Quick

Edward E. Quick

President Pro Tem

### **INTRODUCTIONS OF GUESTS**

Senator Westfall introduced to the Senate, Barbara and Don Burns, Sheldon.

Senator Wiggins introduced to the Senate, the Physician of the Day, Dr. Tom Whittaker and Rich Paul, Kansas City.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**TENTH DAY--THURSDAY, JANUARY 20, 2000**

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 119:48,50 "I will meditate on Your statutes...for Your Word quickens me."

Gracious and Heavenly Father, we yearn to hear Your word, to experience Your spiritual refreshment and the encouragement to follow Your way. As we discern the resolutions we present keep us mindful that Your law is written so that we may live in a proper relationship with You and live in harmony with one another; may the laws we pass help improve the daily interactions among the people of this state. And may we this weekend find time for refreshment in Your Word in the activities we share with our families. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1078, regarding Ruth Holloway, Poplar Bluff, which was adopted.

Senator Bentley offered Senate Resolution No. 1079, regarding KOZK, Ozarks Public Television, Channel 21, Springfield, which was adopted.

Senator Singleton offered Senate Resolution No. 1080, regarding Neel R. Baucom, Carthage, which was adopted.

Senator Quick offered Senate Resolution No. 1081, regarding Freddie M. Nichols, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 1082, regarding the late Arthur E. "Art" Nichols, Gladstone, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1083

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Jerome F. X. Waterman of Kansas City; and

WHEREAS, Mr. Waterman, known to his legion of friends throughout the area as "Jerry" was born in Kansas City, Missouri, October 7, 1936 and had lived in Kansas City his entire life; and

WHEREAS, Mr. Waterman graduated from Rockhurst College in 1957 and received his law degree from Georgetown University in 1961, and was a member of Alpha Sigma Nu, the National Jesuit Honor Society, the Georgetown University Law School Moot Court Team and was awarded the top individual honor at the National Moot Court Championship in 1960; and

WHEREAS, Mr. Waterman was a member of Visitation Catholic Church, was a member of the Missouri National Guard and served in the United States Army, where he became a Lieutenant; and

WHEREAS, on January 1, 1963, Mr. Jerome Waterman and Edward J. Houlehan formed what was to become one of Kansas City's most distinguished law firms, Houlehan and Waterman, beginning 37 years of law practice together; and

WHEREAS, Mr. Waterman was a member of the Missouri Bar and was licensed to practice in the State of Missouri, the U.S. District Court for the Western District of Missouri, the United States Court of Appeals for the 8th Circuit, and the United States Supreme Court; and

WHEREAS, Mr. Waterman served as Judge Pro-tem of the Kansas City Missouri Municipal Court, and was a trial attorney in the Jackson County Prosecutor's office from 1963 to 1966, rising to the rank of First Assistant County Prosecutor, participating in some of the most infamous and noteworthy trials of the period; and

WHEREAS, Mr. Waterman, was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a distinguished Kansas City attorney, Jerome F. X. Waterman, express their appreciation for his lifetime of good citizenship, and his contributions to the legal profession, to Kansas City and to Missouri, and extend to his family and countless friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Jennifer Waterman, daughter Kimberly Waterman, sisters, Sister Kathleen Waterman, S.C.L., Marguerite Owens, and Edward Houlehan of Houlehan & Waterman and Rockhurst University.

Senator Bentley offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

#### SENATE RESOLUTION NO. 1084

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session that Senate Rule 95 be amended as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **by members of the senate at their desks and** by the press at the press table in the Senate

Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Westfall offered Senate Resolution No. 1085, regarding the death of James William "Jim" Altic, Halfway, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1086

WHEREAS, Mrs. Ann Theodosia Shopay Guida of Lakeville, Pennsylvania, is retiring as instructor of biology and earth sciences at the Scranton State School for the Deaf in Scranton, Pennsylvania, where she has touched the lives of hundreds of youngsters with wisdom, love, and compassion for an incredible period of forty years; and

WHEREAS, valedictorian of the 1956 graduating class of Olyphant High School, Mrs. Guida began her higher education at Keystone Junior College and graduated from the Pennsylvania State University with a Bachelor's degree in entomology before pursuing advanced study and training in special education at Marywood College, Syracuse University, and Gallaudet College in Washington, D.C., where she earned her Master's degree; and

WHEREAS, Mrs. Guida joined the faculty at the Pennsylvania State Oral School for the Deaf in 1960 as a young teacher with tremendous enthusiasm and the ardent desire to emulate the achievements of her beloved aunt and second mother, the late Mary Shopay Sawka, who had enjoyed an illustrious career teaching English, Latin, and music at Olyphant Junior High School for many years; and

WHEREAS, Mrs. Guida proudly and zealously accepted the challenge of educating young people with special needs in an endeavor to prepare them for the responsibilities they would encounter as adults in a competitive world full of opportunity for those willing to work hard and make sacrifices in pursuit of their dreams and ambitions; and

WHEREAS, Mrs. Guida's overall success in imparting knowledge to her students and helping them build self-confidence as well as self-esteem was applauded in well-deserved fashion when she experienced the honor and the distinction of being designated the recipient of the prestigious Christa McAuliffe Outstanding Teacher Award for excellence in the classroom; and

WHEREAS, Mrs. Guida is bringing to completion four decades of exceptional achievement as a teacher, mentor, and friend who truly cared and always put forth extra effort to fulfill the important mission of assuring her students the best possible education:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in expressing appreciation to Ann Guida for her tireless efforts to develop that special rapport with students which is so vital to formal learning, in congratulating her upon attaining her goals in the classroom, and in wishing her a pleasant, happy, and productive retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Ann Guida, as a mark of our esteem for her and for all of her professional accomplishments.

Senator Maxwell assumed the Chair.

#### INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 874**-By Caskey.

An Act to repeal section 334.735, RSMo Supp. 1999, relating to physician assistants, and to enact in lieu thereof one new section relating to the same subject.

**SB 875**-By Kinder.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to higher education instructional quality.

**SB 876**-By Clay, Stoll, Ehlmann, Mueller, Bland, Flotron, Sims and Bentley.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Rosa Parks highway.

**SB 877**-By Sims.

An Act to amend chapter 9, RSMo, relating to public holidays by adding thereto one new section relating to Missouri lifelong learning month.

**SB 878**-By Schneider.

An Act to repeal sections 287.160, 287.210 and 287.430, RSMo Supp. 1999, relating to workers' compensation, and to enact in lieu thereof three new sections relating to the same subject.

**SB 879**-By Bland.

An Act to repeal section 701.316, RSMo 1994, relating to lead-bearing substance activities, and to enact in lieu thereof one new section relating to the same subject.

**SB 880**-By Bland.

An Act to repeal section 191.825, RSMo 1994, relating to the joint committee on health care policy and planning, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

**SB 881**-By Wiggins.

An Act to repeal section 92.418, RSMo 1994, relating to expenditure of proceeds of tax, and to enact in lieu thereof one new section relating to the same subject.

**SB 882**-By Flotron.

An Act to amend chapter 393, RSMo, by adding thereto fifteen new sections relating to retail electric choices.

**SB 883**-By Rohrbach.

An Act to repeal sections 334.650 and 334.655, RSMo Supp. 1999, relating to physical therapist assistants, and to enact in lieu thereof two new sections relating to the same subject.

**SB 884**-By Mathewson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

**SB 885**-By Mathewson.

An Act to repeal sections 103.130 and 103.136, RSMo 1994, and section 103.003, RSMo Supp. 1999, relating to health plan for state employees, and to enact in lieu thereof three new sections relating to the same subject.

**SB 886**-By Ehlmann.

An Act to repeal section 37.130, RSMo 1994, relating to congressional redistricting, and to enact in lieu thereof two new sections relating to the same subject.

**SB 887**-By Ehlmann.

An Act to amend chapter 33, RSMo, by adding thereto two new sections relating to minority business contracts.

**SB 888**-By Ehlmann.

An Act to repeal sections 313.812, 313.815, 313.830 and 367.140, RSMo 1994, and section 367.506, RSMo Supp. 1999, and to enact in lieu thereof six new sections relating to excursion gambling boats, with penalty provisions and an emergency clause for certain sections.

**SB 889**-By Howard.

An Act to repeal section 195.070, RSMo Supp. 1999, relating to certified registered nurse anesthetists, and to enact in lieu thereof two new sections relating to the same subject.

**SB 890**-By Howard, Childers, DePasco, Clay, Wiggins, Scott, Caskey, House, Jacob, Staples, Stoll and Maxwell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for certain veterans.

**SB 891**-By Howard, DePasco, Scott, Schneider, Wiggins and Maxwell.

An Act to repeal section 208.010, RSMo Supp. 1999, relating to medical assistance, and to enact in lieu thereof one new section relating to the same subject.

**SB 892**-By Quick.

An Act to repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

**SB 893**-By Quick.

An Act to repeal section 140.110, RSMo Supp. 1999, relating to ownership of property, and to enact in lieu thereof one new section relating to the same subject.

**SB 894**-By Quick.

An Act to repeal sections 141.220, 141.540, 141.570, 141.700, 141.710, 141.720, 141.730, 141.740, 141.750, 141.760, 141.765, 141.770 and 141.800, RSMo 1994, relating to property ownership, and to enact in lieu thereof thirteen new sections relating to the same subject.

## **REPORTS OF STANDING COMMITTEES**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Patricia B. Reid, Verneda F. Robinson, Mary C. "Mikki" Brewster, Yvonne S. Sparks Strauther, Herb R. Johnson, Grace Denise Cross, Virginia F. Mee, Milton J. Bischof, Jr., Ronald G. Breshears, Richard S. Hendin and Patti A. Penny, as members of the Missouri Training and Employment Council;

Also,

Mona L. Perry, Jeanne F. Philips-Roth, Dorothy Fauntleroy, Edward E. Fields, Mike Morado, Margie E. Peltier, Elaine M. Aber, Dolores A. Penn and Ik-Whan G. Kwon, as members of the Commission on Special Health, Psychological and Social Needs of Minority Older Individuals;

Also,

Gretchen C. Locket, as a public member of the Missouri Board for Therapeutic Massage;

Also,

Bernard M. Wesley, Sidney L. Brantley, Derek V. Alvarez and Elizabeth C. Miller, as members of the Missouri Board for Therapeutic Massage;

Also,

Juliet Mee, as a non-voting member of the Missouri Board for Therapeutic Massage;

Also,

James K. Skaggs, as a member of the Missouri Agriculture and Small Business Development Authority;

Also,

James A. Monteleone, as a member of the Children's Trust Fund Board of Trustees;

Also,

Gerald W. Jones, as a member of the Missouri Emergency Response Commission;

Also,

Patricia A. Lepp, as a member of the Missouri Dental Board;

Also,

Mary Louise Brown, Jeannette A. Wessel, Bonita M. Stepenoff and Julie M. March, as members of the Missouri State Historical Records Advisory Board;

Also,

John D. Starr and Bill M. Burch, as members of the Missouri Development Finance Board;

Also,

Patrick J. Hickey and Lois L. Vander Waerdt, as members of the State Board of Mediation;

Also,

Allan W. Purdy, as a member of the Missouri Higher Education Loan Authority;

Also,

Michael R. Foresman, as a member of the Air Conservation Commission of the State of Missouri;

Also,

Linda G. Renner, as a member of the Missouri State Banking Board;

Also,

Barbara D. Burns, as a member of the Southwest Missouri State University Board of Governors;



Also,

Gerald P. Greiman, as a member of the Missouri State Employees Deferred Compensation Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## RESOLUTIONS

Senators Bentley, Steelman, Yeckel, Flotron, Sims, Kinder, Klarich, Stoll and Clay offered the following resolution:

### SENATE RESOLUTION NO. 1087

#### Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 30th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that the Senate Rules be amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **by members of the senate at their desks and** by the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Caskey offered Senate Resolution No. 1088, regarding Jerry Car, Knob Noster, which was adopted.

## SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 803**--Commerce and Environment.

**SB 867**--Local Government and Economic Development.

**SJR 46**--Commerce and Environment.

## INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Rebekah Sprouls, Liberal; and Zarina Amir, Hamburg, Germany; who were made honorary pages.

On behalf of Senators Klarich, Yeckel and herself, Senator Bentley introduced to the Senate, John Sellars, Randy Downing and Richard A. Frey, Springfield.

Senator Bland introduced to the Senate, Jeffrey Johnson, Kansas City.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 24, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**ELEVENTH DAY--MONDAY, JANUARY 24, 2000**

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 139:17-18 "How precious also are Thy thoughts unto me, O God! How great is the sum of them! If I should count them, they are more in number than the sand."

Gracious God, after time with our friends and family and time in Your house this weekend, we rejoice knowing the joy and beauty of the blessings we have received. We know that whatever comes into our lives first existed as a thought in Your mind O God, we therefore can deal with whatever comes our way. How undeserved and well adapted are Your blessings for our needs that flow from a Father's love, and because of this we thank You and praise Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

The Journal for Thursday, January 20, 2000, was read and approved.

Senator DePasco announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

Absent with leave--Senators

Maxwell Scott--2

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1089, regarding Jennifer Davis, Dudley, which was adopted.

Senator Graves offered Senate Resolution No. 1090, regarding Detlef James "DJ" Merrill, Maryville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1091, regarding Daniel Scott Klages, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1092, regarding Colin Russell Dabbs, St. Louis, which was adopted.

Senator Mueller offered Senate Resolution No. 1093, regarding Mary Ella Jones, Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 1094, regarding Daniel B. Linza, Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 1095, regarding Earl Walker, St. Louis, which was adopted.

Senator Mueller offered Senate Resolution No. 1096, regarding Christine Couch, St. Louis, which was adopted.

Senator Bentley moved that **SR 1087** be taken up for adoption, which motion prevailed.

Senator Bentley moved that **SR 1087** be adopted.

Senator Caskey offered a substitute motion that **SR 1087** be referred to the Committee on Rules, Joint Rules and Resolutions.

Senator Wiggins assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Caskey moved that his substitute motion be adopted.

Senator Bentley requested a roll call vote be taken on the adoption of the substitute motion and was joined in her request by Senators Ehlmann, Flotron, Klarich and Rohrbach.

The substitute motion was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Goode	Howard	Jacob
Johnson	Kenney	Mathewson	Quick
Russell	Schneider	Singleton	Staples
Stoll	Westfall	Wiggins-- 19	
NAYS--Senators			
Bentley	Ehlmann	Flotron	Graves
House	Kinder	Klarich	Mueller
Rohrbach	Sims	Steelman	Yeckel-- 12
Absent--Senators--None			
Absent with leave--Senators			
Maxwell	Scott--2		
Vacancies-- 1			

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

The Senate stood in a moment of silence for Kansas City Chiefs Linebacker Derrick Thomas.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 895**-By Staples.

An Act to repeal section 307.173, RSMo Supp. 1999, relating to window tinting of motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 896**-By Klarich.

An Act to repeal sections 359.091 and 359.481, RSMo 1994, and sections 347.137, 347.141, 351.482 and 359.451, RSMo Supp. 1999, relating to business organizations, and to enact in lieu thereof six new sections relating to the same subject.

**SB 897**-By Jacob.

An Act to repeal section 173.250, RSMo 1994, relating to higher education academic scholarship program, and to enact in lieu thereof one new section relating to the same subject.

**SB 898**-By Bland.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to homestead exemption for certain persons.

**SB 899**-By Wiggins, Mueller and Bland.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

**SB 900**-By Wiggins.

An Act to amend chapter 574, RSMo, relating to offenses against public order, by adding thereto one new section relating to the same subject, with penalty provisions.

**SB 901**-By Flotron, Klarich and Kenney.

An Act to repeal section 208.010, RSMo Supp. 1999, relating to medical assistance, and to enact in lieu thereof one new section relating to the same subject.

**SJR 51**-By Flotron, House, Yeckel, Ehlmann and Steelman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, by adding thereto one new section relating to powers of the general assembly to appropriate funds received by the state as a result of any legal settlement or award related to tobacco-related products.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harold K. Bengsch, Democrat, 921 West Turner, Springfield, Greene County, Missouri 65803, as a member of the State Board of Health for a term ending October 13, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy S. Campbell, 102 Marjorie Court, Linn, Osage County, Missouri 65051, as a member of the Child Abuse and Neglect Review Board, for a term ending August 3, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Betty P. Council, 12437 Highway 63 South, Vienna, Maries County, Missouri 65582, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until her successor is duly appointed and qualified; vice, Gary Ball, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dudley R. Grove, Republican, 1 Loren Woods, St. Louis, St. Louis County, Missouri 63124, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2004, and until her successor is duly appointed and qualified; vice, Sam B. Cook, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janet W. Hunt, 7500 Bull Run, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2003, and until her successor is duly appointed and qualified; vice, Mary E. Kinstler, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ricardo D. Jones, 5419 Olive, Kansas City, Jackson County, Missouri 64130, as a Student Representative of the Lincoln University Board of Curators, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Darren Smith, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra D. Kauffman, Republican, 620 East 90th Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2004, and until her successor is duly appointed and qualified; vice, Connie Campbell, resigned.



Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy M. Reinsch, Route 1, Box 106, Loose Creek, Osage County, Missouri 65054, as a Student Representative of the Linn State Technical College Board of Regents, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Renzi Russell, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald W. Vessell, 1705 Delta Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, Russell E. McCampbell, resigned.

Respectfully submitted,

MEL CARNAHAN

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the bill do pass.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 745**--Commerce and Environment.

**SB 746**--Judiciary.

**SB 747**--Insurance and Housing.

**SB 748**--Education.

**SB 749**--Local Government and Economic Development.

**SB 750**--Commerce and Environment.

**SB 751**--Labor and Industrial Relations.

**SB 752**--Education.

**SB 753**--Local Government and Economic Development.

**SB 754**--Ways and Means.

**SB 755**--Pensions and General Laws.

**SB 756**--Agriculture, Conservation, Parks and Tourism.

**SB 757**--Public Health and Welfare.

**SB 758**--Civil and Criminal Jurisprudence.

**SB 759**--Financial and Governmental Organi-zation.

**SB 760**--Local Government and Economic Development.

**SB 761**--Judiciary.

**SB 762**--Ways and Means.

**SB 763**--Aging, Families and Mental Health.

**SB 764**--Ways and Means.

**SB 765**--Elections, Veterans' Affairs and Corrections.

**SB 766**--Education.

**SB 767**--Pensions and General Laws.

**SB 768**--Ethics.

**SB 769**--Civil and Criminal Jurisprudence.

**SB 770**--Transportation.

**SB 771**--Insurance and Housing.

**SB 772**--Financial and Governmental Organi-zation.

**SB 773**--Civil and Criminal Jurisprudence.

**SB 774**--Civil and Criminal Jurisprudence.

**SB 775**--Pensions and General Laws.

**SB 776**--Judiciary.

**SB 777**--Education.

**SB 778**--Financial and Governmental Organi-zation.

**SB 779**--Agriculture, Conservation, Parks and Tourism.

**SB 780**--Pensions and General Laws.

**SB 781**--Commerce and Environment.

**SB 782**--Civil and Criminal Jurisprudence.

**SB 783**--Ways and Means.

**SB 784**--Financial and Governmental Organi-zation.

**SB 785**--Education.

**SB 786**--Financial and Governmental Organi-zation.

**SB 787**--Local Government and Economic Development.

**SB 788**--Financial and Governmental Organi-zation.

**SB 789**--Local Government and Economic Development.

**SB 790**--Pensions and General Laws.

**SB 791**--Commerce and Environment.

**SB 792**--Transportation.

**SB 793**--Transportation.

**SB 794**--Insurance and Housing.

**SB 795**--Financial and Governmental Organi-zation.

**SB 796**--Education.

**SB 797**--Local Government and Economic Development.

**SB 798**--Financial and Governmental Organi-zation.

**SB 799**--Civil and Criminal Jurisprudence.

**SB 800**--Ethics.

**SB 801**--Local Government and Economic Development.

**SB 802**--Local Government and Economic Development.

### **RESOLUTIONS**

Senator Staples offered Senate Resolution No. 1097, regarding the IMPACT Literacy Program, which was adopted.

Senator Clay offered Senate Resolution No. 1098, regarding the death of Hubert Habib "Dickey" Ballentine, St. Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Clay introduced to the Senate, Mary Tyler and Winnie Lippman, St. Louis.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**TWELFTH DAY--TUESDAY, JANUARY 25, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Proverbs 4:27 "Keep thy heart with all diligence; for out of it are the issues of life."

Gracious and Heavenly Father, keep our hearts firmly rooted in Your promises. Ground our faith in Your Word so that whatever difficulties we may face we may experience Your presence with us. Help us to pray so that we are anchored in living lives fully as You intend for us. And help us help others be all You have created them to be. And in so doing may we know the joys of living in peace and contentment all the days of our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

Senator DePasco announced that photographers from KOLR-TV, Springfield and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

## RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1099, regarding Ronald Joseph Mueller, Jr., and Wendi Kim Chesterton, which was adopted.

Senator Mathewson offered Senate Resolution No. 1100, regarding the death of Robert Beykirch, Sedalia, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 902**-By Mathewson.

An Act to repeal sections 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.822 and 313.830, RSMo 1994, relating to gaming, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

## **INTRODUCTIONS OF GUESTS**

Senator Russell introduced to the Senate, Clarence Hager, Sunrise Beach; and Russell Maxwell, George Dryer, Dale Nelson and Donald E. Bose, Buffalo.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Chris Southwick, Columbia.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTEENTH DAY--WEDNESDAY, JANUARY 26, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Every good gift and every perfect gift is from above, and comes down from the Father of Light." (James 1:17)

Gracious God, we sometimes take for granted Your tenderly providing the wherewithals of life including love and sympathy. As a child will often turn to their father's house in times of trouble, we too need to turn to You as well. But sometimes dark moments shake our belief in Your providence and doubts erase certainty. At such time may Your Holy Spirit fill our hearts with faith in Your love and goodness so we may trust in You that no matter what befalls us we can call You, Father, and know we are truly never alone. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1101, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Henry Hugh Richardson, Festus, which was adopted.

Senator Schneider offered Senate Resolution No. 1102, regarding Paul Lawrence Sansone, Florissant, which was adopted.

Senator Russell offered Senate Resolution No. 1103, regarding Clarence "Darrell" Keys, of Ozark Mountain Wholesale and Auction Company, Incorporated, which was adopted.

Senator Staples offered Senate Resolution No. 1104, regarding Ross Gordon, Farmington, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 903**-By Flotron.

An Act to repeal section 313.835, RSMo Supp. 1999, relating to veterans' affairs and to enact in lieu thereof seven new sections relating to the same subject.

**SB 904**-By Johnson.

An Act to repeal sections 59.020, 59.040, 59.041, 59.050, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260 and 59.300, RSMo 1994, relating to county recorders of deeds, and to enact in lieu thereof twelve new sections relating to the same subject.

**SB 905**-By House.

An Act to repeal section 167.181, RSMo Supp. 1999, relating to immunizations for students, and to enact in lieu thereof one new section relating to the same subject.

**SB 906**-By Singleton.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to health care facilities, with penalty provisions.

**SB 907**-By Caskey.

An Act to repeal section 307.173, RSMo Supp. 1999, relating to motor vehicle safety, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 908**-By Kenney.

An Act to repeal section 135.095, RSMo Supp. 1999, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

**SB 909**-By Bland.

An Act to repeal sections 143.171 and 160.500, RSMo 1994, and section 144.030, RSMo Supp. 1999, relating to sales and use tax, and to enact in lieu thereof three new sections relating to the same subject, with effective dates and a referendum clause.

**SB 910**-By Stoll.

An Act to repeal section 163.191, RSMo 1994, relating to community college districts, and to enact in lieu thereof one new section relating to the same subject.

**SB 911**-By Stoll.

An Act to repeal sections 161.092, 161.097, 168.011, 168.015, 168.081, 168.400 and 168.405, RSMo 1994, and sections 168.021, 168.071, 168.500 and 168.510, RSMo Supp. 1999, relating to the standards and practices of educational personnel of the public schools, and to enact in lieu thereof twenty-four new sections relating to the same



subject, with penalty provisions.

**SB 912**-By Jacob.

An Act to amend chapter 376, RSMo, relating to life insurance by adding thereto one new section relating to valuation of life insurance policies, with an emergency clause.

**SB 913**-By Ehlmann.

An Act to repeal section 578.395, RSMo 1994, relating to ticket scalping, and to enact in lieu thereof one new section relating to the same subject.

**SB 914**-By Schneider and House.

An Act to repeal sections 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 1994, relating to the administrative hearing commission, and to enact in lieu thereof three new sections relating to the same subject.

**SB 915**-By Clay.

An Act to repeal section 214.205, RSMo 1994, relating to cemeteries, and to enact in lieu thereof one new section relating to the same subject.

**SJR 52**-By Johnson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

## **RESOLUTIONS**

Senator Kinder offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 1105**

WHEREAS, upon occasion the members of the Missouri Senate pause to applaud the achievements of an outstanding young college student who has excelled through remarkable talent in the ever-so-competitive world of sports; and

WHEREAS, Scott Pingel, a senior at Westminster College in Fulton, has completed a most impressive football career with the Blue Jays by being named to the Hewlett-Packard Division III All-American First Team, making him the only player on the list to earn the honor for three consecutive seasons; and

WHEREAS, Scott Pingle is the first wide receiver to win the 1999 Melberger Award presented by the Downtown Wilkes-Barre Touchdown Club; and

WHEREAS, the son of Wayne and Janet Pingel of Perryville, Scott has also enjoyed distinction as the Saint Louis Intercollegiate Athletic Conference Player of the Year and as a GTE Academic All-American finalist; and

WHEREAS, in his important role as a wide receiver for the Blue Jays, Scott Pingel won the hearts of countless football fans all across this great state and throughout the nation by setting new NCAA all-divisions records for career receptions, career yardage, and career touchdown catches; and

WHEREAS, Scott Pingel put forth tremendous effort all season in practice and on the gridiron to complete his football career at Westminster College with such incredible statistics as 136 receptions for 1648 yards and 24 touchdowns, achievements realized under the competent guiding hand of Head Coach John Welty; and

WHEREAS, Scott Pingel has distinguished himself as the greatest receiver statistically in NCAA history by virtue of his astounding performances which gave him record-breaking career totals of 436 receptions, 6108 yards, and 75 touchdown catches; and

WHEREAS, Scott Pingel tied and subsequently broke the fifteen-year reception record during play against Illinois College and had occasion to

demonstrate his ability and talent to a much broader group of fans when he took the field in the Fifth Annual All-American Bowl at the Metrodome in Minneapolis, Minnesota:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in a thunderous round of applause for Scott Pingel upon the completion of a fabulous college football career, during which he set and broke many long-standing records to bring honor and glory to Westminster College and the entire Show-Me State; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Scott Pingel, as a mark of our high esteem for him.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 916**-By Singleton and Scott.

An Act to repeal sections 590.100, 590.101, 590.110, 590.116, 590.117, 590.130, 590.131, 590.150, 590.170, 590.175 and 590.180, RSMo 1994, and sections 590.105, 590.115, 590.135 and 590.140, RSMo Supp. 1999, relating to the training and certification of peace officers, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

**SB 917**-By Maxwell.

An Act to amend chapter 409, RSMo, relating to regulation of securities by adding thereto thirteen new sections relating to regulation of business opportunities, with penalty provisions.

**SB 918**-By Ehlmann.

An Act to repeal section 167.645, RSMo Supp. 1999, relating to reading ability in elementary school, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

## **RESOLUTIONS**

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

### **SENATE RESOLUTION NO. 1106**

WHEREAS, we enjoy many freedoms because of our veterans service and honor to our country; and

WHEREAS, the National World War II Memorial is being built in Washington D.C. to be situated on the Mall between the Washington Monument and the Lincoln Memorial and is the first such monument to honor all veterans of the conflict; and

WHEREAS, the National World War II Memorial will be an all-encompassing memorial to everyone who served in the American Armed Forces in World War II, to all who gave their lives and to all who joined the war effort at home; and

WHEREAS, Missouri ranks among the states with the highest number of living World War II veterans, estimated at 438,000; and

WHEREAS, the National World War II Memorial, is estimated to cost \$100 million; and

WHEREAS, nearly \$60 million dollars has already been raised and 23 states have voted to donate to the memorial; and

WHEREAS, the state of Missouri should join with the other states and contribute to the building of the memorial with a \$1 donation in honor of every World War II Veteran from Missouri that served in the conflict:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby join unanimously in support of Missouri's contribution to the National World War II Memorial by and recommend an appropriation in the amount of \$430,000 be approved; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Veterans Commission and the American Battle Monuments Commission.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 25, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall Joe Davis, 62 Pearl Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 25, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathleen M. Meyer, Republican, 14 Woods Fort Court, Troy, Lincoln County, Missouri 63379, as a member of the State Banking Board, for a term ending August 29, 2003, and until her successor is duly appointed and qualified; vice, Al Nilges, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 25, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark A. Terry, 11201 Jackson, Kansas City, Jackson County, Missouri 64137, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 919**-By House.

An Act to repeal sections 162.152, 162.171, 162.181, 162.201, 162.261, 162.321, 162.371, 162.391, 162.411, 162.501, 162.631, 164.221, 165.031, 166.151, 167.091, 167.101, 167.141, 167.191, 167.211, 167.221, 167.251, 167.260, 167.268, 167.278, 167.308, 167.330, 168.171, 168.181, 168.191, 168.201, 170.031, 170.041, 170.057, 171.051, 171.141, 171.181, 177.011, 177.031, 177.131, 177.161, 177.171, 178.290, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350 and 178.360, RSMo 1994, and sections 161.102, 161.205, 162.191, 165.091, 165.111, 165.221, 167.161, 168.211 and 177.086, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof twenty-three new sections for the sole purpose of harmonizing and eliminating duplicative and obsolete education provisions.

**RESOLUTIONS**

Senator Johnson offered Senate Resolution No. 1107, regarding Mike Thornton, Savannah, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Bentley introduced to the Senate, Ralph Skelly, Ashland; and Janice Greene, Springfield.

Senator Johnson introduced to the Senate, Kerrie Burns, Agency.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler, St. Louis County; and Marc Houseman, Rodney Stoyer, Debbie Sheals and Becky Snider, members of the Missouri Alliance for Historic Preservation.

Senator Yeckel introduced to the Senate, John Bachmann, Dick Fleming, Mark Sauer, Roy Wagner, Steve Lowy, Dr. Robert Morgan and Marcia Mellitz, members of the St. Louis Regional Chamber and Growth Association.

Senator Kinder introduced to the Senate, Scott Pingel, Perryville; John Welty and Donald Wood, Fulton; Terry Logue, Columbia; Alexandra Holland, Jefferson City; and Jodi Glaus,

Springfield.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, Doniphan.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FOURTEENTH DAY--THURSDAY, JANUARY 27, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 31:14-15 "O Lord...Thou art my God. My times are in Thy hand."

Gracious Father, we bring another week to an end, amazed how fast the time has gone by. Our time is in Your hand and the length and breadth of it we know not. But we do pray, let us be mindful of this gift as we hurry home this day. May we use each minute wisely, productively and most assuredly lovingly among those You have given us to love. And let us rejoice in this most precious gift You have given that it will not return to You empty. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Staples--1			
Vacancies--1			
The Lieutenant Governor was present.			

## RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1108, regarding Operation Just Cause, which was adopted.

Senator Johnson offered Senate Resolution No. 1109, regarding Lieutenant Governor Roger B. Wilson, Columbia, which was adopted.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 920**-By Flotron and Kenney.

An Act to repeal sections 145.009, 145.011, 145.041, 145.051, 145.091, 145.101, 145.102, 145.201, 145.301, 145.481, 145.511, 145.551, 145.552, 145.601, 145.711, 145.801, 145.846, 145.871, 145.961, 145.971, 145.985 and 145.995, RSMo 1994, relating to estate tax, and to enact in lieu thereof one new section relating to the same subject.

**SB 921**-By Scott.

An Act to repeal section 334.120, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof one new section relating to the same subject.

**SB 922**-By Scott.

An Act to repeal sections 87.230 and 87.237, RSMo 1994, relating to retirement benefits, and to enact in lieu thereof two new sections relating to the same subject.

**SB 923**-By Quick.

An Act to amend chapter 331, RSMo, relating to chiropractors by adding thereto one new section relating to spinal manipulation, with penalty provisions.

**SB 924**-By Maxwell.

An Act to amend chapter 94, RSMo, relating to sales taxes for economic development by adding thereto one new section relating to the same subject.

**SB 925**-By Caskey, Maxwell and Mathewson.

An Act to amend chapter 620, RSMo, by adding thereto four new sections relating to the Missouri agricultural advocates office.

**SB 926**-By Stoll and House.

An Act to repeal section 163.031, RSMo Supp. 1999, relating to state school aid to school districts based upon payment amounts in a previous year, and to enact in lieu thereof one new section relating to the same subject.

**SB 927**-By Stoll.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to special education services.

**SB 928**-By Stoll.

An Act to repeal sections 104.140 and 104.345, RSMo 1994, and sections 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072 and 104.1090, RSMo Supp. 1999, relating to certain retirement systems, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause.

**SB 929**-By Jacob.

An Act to repeal section 375.1220, RSMo Supp. 1999, relating to claims by an insurance company receiver against reinsurers, and to enact in lieu thereof one new section relating to the same subject.

**SB 930**-By Jacob.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to hospital records.

**SB 931**-By Kinder.

An Act to repeal section 162.790, RSMo 1994, relating to state funding for the education of certain disabled students, and to enact in lieu thereof one new section relating to the same subject.

**SB 932**-By Sims.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

**SB 933**-By Sims.

An Act to repeal section 160.400, RSMo Supp. 1999, relating to the establishment of a state public charter school board, and to enact in lieu thereof two new sections relating to the same subject.

**SJR 53**-By Quick.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7 and 9 of article III of the Constitution of Missouri relating to changing the number of members of the general assembly, and adopting four new sections in lieu thereof relating to the same subject.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

## **REPORTS OF STANDING COMMITTEES**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Shirley A. Fearon, as a member of the State Mental Health Commission;

Also,

Mark W. Smith, as a member of the St. Louis City Board of Police Commissioners;

Also,

Cletus B. Kraenzle, Glenda A. Kremer, Letitia R. Thomas, Robert P. O'Dell, Joann E. Noll, Shawn T. deLoyola and Neva G. Thurston, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Mary A. Holyoke and Frances Afua Bromley, as members of the Missouri Acupuncturist Advisory Committee;

Also,

Geraldine E. Madden, as a member of the Advisory Committee on Lead Poisoning;

Also,



Nancy K. Wilson, Flora M. Henderson and John L. Tirre, as members of the State Board of Cosmetology;

Also,

Carol M. Wicks and James Michael DiPardo, as members of the Land Reclamation Commission;

Also,

John R. Blass, Stephen L. Barr, Patricia L. Schlechte and Linda R. Bohrer, as members of the Missouri Head Injury Advisory Council;

Also,

Nancy J. Stemme and John H. Goffstein, as members of the Missouri Health Facilities Review Committee;

Also,

Sandra K. Grebing, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Mary S. Ireland, Laura E. Roy and Carolyn Davis Newport, as members of the Missouri Family Trust Fund Board of Trustees;

Also,

Stephen T. Sugg, as student representative of the University of Missouri Board of Curators;

Also,

Janice Schnake Greene, as a public member of the Clean Water Commission of the State of Missouri;

Also,

Christi L. Warner, as a member of the Missouri Board for Therapeutic Massage;

Also,

Peter F. Herschend, as a member of the State Board of Education;

Also,

Peter M. Schloss, Debra A. Howenstine, Kathleen C. Bargeon and Cynthia A. Rushefsky, as members of the Child Abuse and Neglect Review Board;

Also,

Roger D. Young, Roger Dale "R.D." Porter and Charles G. Bonney, as members of the Committee for 911 Service Oversight;

Also,

Richard E. Tufts, as a member of the Missouri Emergency Response Commission;

Also,

Richard C. Dunn and A. Sam Burton, as members of the Children's Trust Fund Board.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 804**--Financial and Governmental Organi-zation.

**SB 805**--Ways and Means.

**SB 806**--Elections, Veterans' Affairs and Corrections.

**SB 807**--Insurance and Housing.

**SB 808**--Insurance and Housing.

**SB 809**--Public Health and Welfare.

**SB 810**--Public Health and Welfare.

**SB 811**--Civil and Criminal Jurisprudence.

**SB 812**--Agriculture, Conservation, Parks and Tourism.

**SB 813**--Civil and Criminal Jurisprudence.

**SB 814**--Civil and Criminal Jurisprudence.

**SB 815**--Public Health and Welfare.

**SB 816**--Pensions and General Laws.

**SB 817**--Pensions and General Laws.

**SB 818**--Elections, Veterans' Affairs and Corrections.

**SB 819**--Commerce and Environment.

**SB 820**--Insurance and Housing.

**SB 821**--Pensions and General Laws.

**SB 822**--Insurance and Housing.

**SB 823**--Public Health and Welfare.

**SB 824**--Judiciary.

**SB 825**--Education.

**SB 826**--Commerce and Environment.

**SB 827**--Pensions and General Laws.

**SB 828**--Civil and Criminal Jurisprudence.

**SB 829**--Insurance and Housing.

**SB 830**--Civil and Criminal Jurisprudence.

**SB 831**--Transportation.

**SB 832**--Transportation.

**SB 833**--Insurance and Housing.

**SB 834**--Transportation.

**SB 835**--Civil and Criminal Jurisprudence.

**SB 836**--Insurance and Housing.

**SB 837**--Financial and Governmental Organi-zation.

**SB 838**--Civil and Criminal Jurisprudence.

**SB 839**--Pensions and General Laws.

**SB 840**--Labor and Industrial Relations.

**SB 841**--Transportation.

**SB 842**--Local Government and Economic Development.

**SB 843**--Local Government and Economic Development.

**SB 844**--Civil and Criminal Jurisprudence.

**SB 845**--Financial and Governmental Organi-zation.

**SB 846**--Ways and Means.

**SB 847**--Ways and Means.

**SB 848**--Commerce and Environment.

**SB 849**--Insurance and Housing.

**SB 850**--Pensions and General Laws.

**SB 851**--Ways and Means.

**SB 852**--Ways and Means.

**SB 853**--Financial and Governmental Organi-zation.

**SB 854**--Aging, Families and Mental Health.

**SJR 48**--Ways and Means.

**SJR 49**--Pensions and General Laws.

**SJR 50**--Elections, Veterans' Affairs and Corrections.

### **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 934**--By Caskey.

An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.309, 302.505, 304.012, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

### **INTRODUCTIONS OF GUESTS**

Senator Kenney introduced to the Senate, his son, Carlton, Lee's Summit; and Carlton was made an honorary page.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, Rose Mack, Janet Dunham, John Griesenauer, Joe Kernell, Aleece Vogt, Greg Chailland, Tim DeGelder, Diane Schroeder, Denise Liebel, Jim Ottomeyer, Colleen Lang, Barb Griffith, Jeanne Palumbo, Nick Donze, Lucy Lockley, Chris Ryan, Vernice Bratton, Virginia Donovan, Judy Streck, Brenda Stewart, David Pippin, Mary K. Crist, Barbara Reitz, Frank Noto, Kevin Pyatt, Nancy Conover, John White and Linda Johnson, members of Vision St. Charles County Leadership.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 31, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTEENTH DAY--MONDAY, JANUARY 31, 2000**

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Galatians 5:22: "The fruit of the Spirit is...Joy."

Gracious God, help us be a people of genuine joy. The kind of joy found in the midst of hardship; a gladness in the midst of pain. Help us have the joy of knowing Your presence in times of distress and solace in time of grief. Help us to be a people of joy that is not cosmetic of a forced smile, the perfunctory glad hand or professional glad work. But help us to know the joy that permeates all of our thinking, speaking and doing and that brightens both our inner and outer life. And thank You for the joy of having a Super Bowl Championship team in our state. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 27, 2000, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Jacob--1

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Clay offered Senate Resolution No. 1110, regarding the Wyman/Saint Louis University Math Club Program, which was adopted.

Senator Klarich offered Senate Resolution No. 1111, regarding the First Evangelical Free Church, Manchester, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1112, regarding Ed Watkins, St. Peters, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1113, regarding Linda Howard, St. Peters, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1114, regarding Kevin and Karen DeSain, St. Peters, which was adopted.

Senator Schneider offered Senate Resolution No. 1115, regarding Leonard Robinson, St. Ann, which was adopted.

Senator Graves offered Senate Resolution No. 1116, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Spire, Parnell, which was adopted.

Senator Graves offered Senate Resolution No. 1117, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Boswell, Oregon, which was adopted.

Senator Westfall offered Senate Resolution No. 1118, regarding the death of William H. Pinnell, Sr., Monett, which was adopted.

Senator Kenney offered Senate Resolution No. 1119, regarding Henry Schweitzer, Independence, which was adopted.

Senator Childers offered Senate Resolution No. 1120, regarding Thomas E. Carr, Monett, which was adopted.

Senator Caskey offered Senate Resolution No. 1121, regarding the death of Stanley H. Crain, Warrensburg, which was adopted.

Senator Kenney offered Senate Resolution No. 1122, regarding Jeffrey E. White, Independence, which was adopted.

Senator Childers offered Senate Resolution No. 1123, regarding Debbie Powell, Cedar Creek, which was adopted.

Senator Westfall offered Senate Resolution No. 1124, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leo Burton, Bolivar, which was adopted.

Senator Howard offered Senate Resolution No. 1125, regarding Stan and Sue Flowers, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1126, regarding the Dexter Senior Center, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1127, regarding Arvin Industries, Inc., Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1128, regarding the One Hundred First Birthday of Mrs. Sylvia Schmidt, Puxico, which was adopted.

Senator Howard offered Senate Resolution No. 1129, regarding Plaza Tire Service, Dexter, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 935**-By Caskey.

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to loans for assistive technology.

**SB 936**-By Childers.

An Act to repeal section 144.157, RSMo 1994, relating to the collection of certain taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 937**-By Staples.

An Act to repeal sections 324.478 and 324.481, RSMo Supp. 1999, relating to the acupuncturist advisory council, and to enact in lieu thereof two new sections relating to the same subject.

**SB 938**-By Mueller.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

**SB 939**-By Clay, Bland and House.

An Act to repeal sections 105.500 and 105.510, RSMo 1994, and to enact in lieu thereof ten new sections relating to good faith employee negotiations, with penalty provisions.

**SB 940**-By Mathewson.

An Act to repeal sections 311.510 and 311.540, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

**SB 941**-By DePasco.

An Act to repeal sections 566.062, 566.067 and 566.068, RSMo 1994, relating to sexual offenses involving children, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

**SB 942**-By Rohrbach.

An Act to repeal section 632.486, RSMo Supp. 1999, relating to civil commitment of sexually violent predators, and to enact in lieu thereof one new section relating to the same subject.

**SB 943**-By Yeckel, Scott, Childers, Graves, Flotron, Rohrbach, Kenney, Kinder, Staples, Schneider, Steelman, Ehlmann, Russell, House, Mueller, DePasco, Howard, Stoll, Wiggins, Klarich and Westfall.

An Act to repeal section 188.037, RSMo 1994, relating to fetal research, and to enact in lieu thereof one new section relating to the same subject.

Senator Staples assumed the Chair.

## **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me on August 13, 1999 and submitted to you on January 5, 2000 for your advice and consent:

William H. Darr, Republican, 2951 White Oak Drive, Springfield, Greene County, Missouri 65809, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Thomas Strong, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Erin E. Wilson for the Central Missouri State University Board of Regents, submitted to you on January 13, 2000. Line 3 should be amended to read:

State University Board of Governors, for a term ending January 1,

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:



Julius C. Dix, Democrat, 508 Crestvale Drive, St. Louis, St. Louis County, Missouri 63119, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Claude Rogers, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pearlie I. Evans, Democrat, 5011 North Kingshighway, St. Louis City, Missouri 63115, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, Ruth McGowan, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Will E. McCarther, Ph.D., Democrat, 11536 Baltimore, Kansas City, Jackson County, Missouri 64114, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Yvonne Wilson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert R. Wheeler, Republican, 4604 East 51st Street, Kansas City, Jackson County, Missouri 64130, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, Robert Taylor, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above addendum and appointments to the Committee on Gubernatorial Appointments.

**SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 855**--Education.

**SB 856**--Aging, Families and Mental Health.

**SB 857**--Agriculture, Conservation, Parks and Tourism.

**SB 858**--Financial and Governmental Organi-zation.

**SB 859**--Insurance and Housing.

**SB 860**--Insurance and Housing.

**SB 861**--Insurance and Housing.

**SB 862**--Insurance and Housing.

**SB 863**--Pensions and General Laws.

**SB 864**--Labor and Industrial Relations.

**SB 865**--Local Government and Economic Development.

**SB 866**--Financial and Governmental Organi-zation.

**SB 868**--Local Government and Economic Development.

**SB 869**--Financial and Governmental Organi-zation.

**SB 870**--Judiciary.

**SB 871**---Commerce and Environment.

**SB 872**--Elections, Veterans' Affairs and Corrections.

**SB 873**--Local Government and Economic Development.

**SB 874**--Public Health and Welfare.

**SB 875**--Education.

**SB 876**--Transportation.

**SB 877**--Education.

**SB 878**--Labor and Industrial Relations.

**SB 879**--Commerce and Environment.

**SB 880**--Public Health and Welfare.

**SB 881**--Ways and Means.

**SB 882**--Commerce and Environment.

**SB 883**--Public Health and Welfare.

**SB 884**--Ways and Means.

**SB 885**--Public Health and Welfare.

**SB 886**--Elections, Veterans' Affairs and Corrections.

**SB 887**--Labor and Industrial Relations.

**SB 888**--Local Government and Economic Development.

**SB 889**--Public Health and Welfare.

**SB 890**--Ways and Means.

**SB 891**--Public Health and Welfare.

**SB 892**--Local Government and Economic Development.

**SB 893**--Local Government and Economic Development.

**SB 894**--Local Government and Economic Development.

**SB 895**--Transportation.

**SB 896**--Financial and Governmental Organi-zation.

**SB 897**--Education.

**SB 898**--Ways and Means.

**SB 899**--Insurance and Housing.

**SB 900**--Civil and Criminal Jurisprudence.

**SB 926**--Education.

**SB 934**--Civil and Criminal Jurisprudence.

**SJR 53**--Pensions and General Laws.

## **INTRODUCTIONS OF GUESTS**

The President introduced to the Senate, Tony Galbreath, Fulton.

Senator Sims introduced to the Senate, Rebekah Baxter, Anna-Grace Claassen, Samantha Denny, Jonathan Friz, F. Joseph Goldkamp, Nick Gustafson, Tim Ivancic, Aaron Johnson, Melissa

Millar, Sarah Munson, John Murphy, Steve Ottolini, Nick Pavlenko, Dawn Piehl, Rodney Schnellbacher, Michelle Stanford, Lindsey Vehlewald, Kristen Walle, Ken Boesch, Charlie Hinderliter, Chris Smith and Sue Tamelung, Westminster Christian Academy.

Senator Kinder introduced to the Senate, David Herbst, Chaffee.

Senator Ehlmann introduced to the Senate, his wife, Jean, and their sons, Brendan and Will, St. Charles.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, students from St. Charles High School, St. Charles.

Senator Rohrbach introduced to the Senate, Dr. Winship, Weldon Webb, Barry Kling and Gwen Ratermann, Columbia.

Senator House introduced to the Senate, his son, Benjamin, St. Charles.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

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**SIXTEENTH DAY--TUESDAY, FEBRUARY 1, 2000**

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The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Galatians 5:25: "If we live in the Spirit, let us walk in the Spirit."

Gracious and Heavenly Father, we know that "to walk in the Spirit" is a good spiritual exercise - the exercise of "love, joy, peace....gentleness,....and faith." The exercise of daily prayer and meditation on Your Holy Word helps to create a spiritual climate that insures health of our souls and vigor of our daily living. So grant us this day fruits of the Spirit along with Your abiding presence as we seek to serve You in this place. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate had been given permission to video in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senators--None			
Vacancies--1			

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 944**-By Caskey.

An Act to repeal sections 160.261 and 167.117, RSMo Supp. 1999, relating to weapons at public schools, and to enact in lieu thereof two new sections relating to the same subject.

**SB 945**-By Staples.

An Act to repeal section 64.825, RSMo 1994, relating to subdivision regulations, and to enact in lieu thereof one new section relating to the same subject.

## **RESOLUTIONS**

Senator Bentley offered Senate Resolution No. 1130, regarding Brian Gregory McWilliams, Springfield, which was adopted.

Senator Mathewson offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 1131**

WHEREAS, the Missouri Senate was truly saddened by the death of longtime Show-Me State resident and businessman Robert Beykirch on Thursday, January 13, 2000, at the age of seventy-one; and

WHEREAS, born on November 24, 1928, in East St. Louis, Illinois, to Christopher and Marie Walters Beykirch, Robert Beykirch married his beloved Dorothy Thomas on April 24, 1954; and

WHEREAS, a staff sergeant in the Illinois National Guard who was stationed in Germany for a year during the Korean War, Robert Beykirch earned a Bachelor's degree in business administration in 1955 from Saint Louis University before moving his family to Sedalia in 1957 due to his acquisition of an Anheuser-Busch wholesale distributorship there; and

WHEREAS, renaming the business as the County Distributing Company, Robert Beykirch also owned the subsidiary firms of Great Rivers Distributing Company in West Plains and Eaglevision, a wireless cable television operation based in Kirksville; and

WHEREAS, Robert Beykirch maintained professional affiliations with the Missouri Beer Wholesaler Association, for which he served as president, and the Anheuser-Busch Wholesaler Advisory Panel; and

WHEREAS, deeply involved in community service, Robert Beykirch served the Sedalia Park Board, Missouri Chamber of Commerce, and Sedalia Area Tourism Commission; sat on the boards of Citizens Against Spouse Abuse, Children's Therapy Center, and the Sedalia Airport; volunteered with Sedalia-Pettis County United Way and local youth sports teams; and actively participated in Sacred Heart Catholic Church; and

WHEREAS, preceded in death by his son, Bill Beykirch, Robert Beykirch is mourned by his loving wife, Dorothy; his children, Paul, Joe, Greg, and Steve Beykirch and Mary Beykirch Antoine; a sister, Doris Mae Beykirch; and twelve grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join the Honorable Jim Mathewson in memorializing the life and labors of his dear friend, the late Robert Beykirch, and in extending our sincerest condolences to the many family members, friends, and colleagues who miss the light of his presence in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Robert Beykirch of Sedalia, Missouri.

Senator Singleton offered Senate Resolution No. 1132, regarding Steve Belcher, Joplin, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 788**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

. Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 669**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 556**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 674**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 657**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 946**-By Johnson.

An Act to repeal sections 59.310 and 59.313, RSMo 1994, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

## **REPORTS OF STANDING COMMITTEES**

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 663**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **COMMUNICATIONS**

President Pro Tem Quick submitted the following:

January 27, 2000

Senator Ed Quick

President Pro Tem

Room 326, State Capitol

Jefferson City, MO 65101

Dear Senator Quick:

I am submitting, effective January 27, 2000, my resignation as a member of the Missouri Health Facilities Review Committee.

I appreciate the opportunity to have served on this committee.

Sincerely,

/s/ Anita Yeckel

Anita Yeckel

### **INTRODUCTIONS OF GUESTS**

Senator Klarich introduced to the Senate, Gary Stocker, St. Louis.

Senator Stoll introduced to the Senate, David and Carol Shelley, Pevely; and Elmer and Sandy Hearst, Barnhart.

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Don Allcorn and Dr. Steve Poorte, Sedalia.

On behalf of Senator Steelman and himself, Senator Rohrbach introduced to the Senate, Roger Gregory, Gasconade County.

Senator Wiggins introduced to the Senate, Johnny Damon, Tony Muser, Frank White, Ryan Lefebvre, Mark Quinn, Jim LaChimia, Mondee Schaaf, Bryon Shores and Shani Tate, members of the Kansas City Royals Organization.

Senator Steelman introduced to the Senate, Richard Korte, Steelville.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

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**SEVENTEENTH DAY--WEDNESDAY, FEBRUARY 2, 2000**

---

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 1:3 "He shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper."

Gracious Creator, You have kept us in touch with the well- spring of life that is You. You have refreshed us and kept us sustained with the nurturing of our souls so that we may truly live life, rooted deeply and firmly in Your promises for they give us strength, assurance, and the final victory that is also Yours. For that we thank You and sing Your praise. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, the Senate and Club 321 were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1133, regarding the Writing Workshop with Dream Writers program at Jackson Middle School, Jackson, which was adopted.

Senator Caskey offered Senate Resolution No. 1134, regarding Michael James "Mike" Dandurand, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1135, regarding Christopher David "Chris" Dandurand, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1136, regarding Andrew Jason Audsley, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1137, regarding Alexander Lee "Alex" Mann, Higginsville, which was adopted.

Senator Caskey offered Senate Resolution No. 1138, regarding James B. "Jimmy" Gai, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1139, regarding Kevin Allen Foresman, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1140, regarding Ryan Michael Schick, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1141, regarding Darin Phillip Shreves, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1142, regarding Mark William Phillips, Knob Noster, which was adopted.

Senator Wiggins offered Senate resolution No. 1143, regarding the death of James J. "Jim" Murray, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1144, regarding the death of Paul G. Woolpert, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1145, regarding the death of Mr. Charles R. Eagan, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1146, regarding the death of Joseph Thomas Allin, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1147, regarding the death of Pilar Virginia "Vicki" Perez, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1148, regarding the death of Stephen Stewart "Steve" Phelps, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1149, regarding the death of John Tuasen, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1150, regarding the death of Marvin Moyer, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1151, regarding the death of Paula Novak Thoburn, Kansas City,

which was adopted.

Senator Wiggins offered Senate Resolution No. 1152, regarding the death of Cecelia "Ceil" Binaggio Bates, Lake Lotawana, which was adopted.

Senator Wiggins offered Senate Resolution No. 1153, regarding the death of Harvey J. "Bud" McDonald, Jr., Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1154, regarding the death of William S. "Bill" Huff, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1155, regarding the death of Leo Otto Sturm, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1156, regarding the death of Merlyn F. Ankrum, Raytown, which was adopted.

Senators Westfall and Mueller offered Senate Resolution No. 1157, regarding Woodrow T. (Woody) Hatfield, St. Louis, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 947**-By Sims.

An Act to repeal sections 197.405, 197.410, 197.415, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470 and 197.477, RSMo 1994, and sections 197.400 and 197.445, RSMo Supp. 1999, relating to the department of health and licensure of home care companies, and to enact in lieu thereof sixteen new sections relating to the same subject.

**SB 948**-By Howard.

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to establishing a pilot program of public grade school instruction using military school methods.

**SB 949**-By Howard.

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to psychologists.

**SB 950**-By Schneider, Caskey, Wiggins, Klarich, House, Clay, Jacob and Steelman.

An Act to repeal section 537.600, RSMo 1994, relating to civil liability, and to enact in lieu thereof one new section relating to the same subject.

### SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 549** be taken up for perfection, which motion prevailed.

Senator Quick offered **SS** for **SB 549**, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE BILL NO. 549

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri

tobacco settlement trust fund.

Senator Quick moved that **SS** for **SB 549** be adopted.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Clay assumed the Chair.

Senator Klarich offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 549, Page 1, In the Title, Line 3, by inserting immediately after the word "fund" the following: ", with an emergency clause"; and

Further amend said bill, page 2, section 196.1014, line 13, by inserting immediately after said line the following:

"Section B. Because of the need to establish accounting for the tobacco settlement proceeds, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SS** for **SB 549**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SS** for **SB 549**, as amended, was declared perfected and ordered printed.

#### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

##### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marion Cairns, Republican, 115 Webster Oaks Lane, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2003, and until her successor is duly appointed and qualified; vice, Madeline Longstreet, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melinda Jurgeson Christianson, P.T., 613 Northeast St. Andrews Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2002, and until her successor is duly appointed and qualified; vice, Donna Newman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheilah Clarke-Ekong, Ph.D., Democrat, #2 Silveroak Court, Manchester, St. Louis County, Missouri 63021, as a public member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2002, and until her successor is duly appointed and qualified; vice, Catherine W. Keefe, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William H. Darr, Republican, 2951 White Oak Drive, Springfield, Greene County, Missouri 65809, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, William H. Darr, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James "Jim" W. Hutcheson, 1140 North Chelmsworth Lane, Springfield, Greene County, Missouri 65802, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2002, and until his successor is duly appointed and qualified; vice, Greg J. Nooney, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George R. Johnstone, Ph.D., 7158 State Road UU, Fulton, Callaway County, Missouri 65251, as a member of the State Committee of Psychologists, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Betty Schlesing, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bayla M. Myer, Ph.D., Republican, 14144 Ladue Road, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until her successor is duly appointed and qualified; vice, Glenda Bryant, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynda M. Quan, LCSW, 609 Hillsboro Road, Farmington, St. Francois County, Missouri 63640, as a member of the State Committee for Social Workers, for a term ending October 2, 2003, and until her successor is duly appointed and qualified; vice, Priscilla Hornby, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry D. Spoon, D.O., Republican, 2304 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**INTRODUCTION OF BILLS**

**SB 951**-By Scott.

An Act to repeal sections 167.031 and 167.051, RSMo 1994, relating to compulsory attendance age for public school,



and to enact in lieu thereof two new sections relating to the same subject.

**SB 952**-By Stoll.

An Act to repeal sections 191.900 and 191.910, RSMo 1994, relating to health care payment fraud and abuse, and to enact in lieu thereof two new sections relating to the same subject.

**SB 953**-By Johnson and Russell.

An Act to repeal section 172.360, RSMo 1994, relating to tuition at the University of Missouri, and to enact in lieu thereof one new section relating to the same subject.

**SB 954**-By Bentley and Johnson.

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to cultural tourism.

### **REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SJR 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1506**, entitled:

An Act to amend chapter 196, RSMo, relating to tobacco by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Ben Counce, and his daughter, Emily, Caruthersville; and Emily was made an honorary page.

Senator Kinder introduced to the Senate, William, Shori and Jordi Ferrell and Merlin and Joyce Hagy, Sikeston; and Jordi was made an honorary page.

Senator Jacob introduced to the Senate, Michael, Jim and Penny Garrison, Columbia.

The President introduced to the Senate, his wife, Pat, and their daughter, Erin, and Marilyn Landers, Shanna Files, Jake Crowley and Chris Howe, Columbia.

Senator Russell introduced to the Senate, Lee and Bonnie Eaton, Lebanon.

Senator Singleton introduced to the Senate, Ed Dennis, Janet Garvin, Betty Cagle and Sherry Gant, Joplin.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis.

Senator Bentley introduced to the Senate, Dr. Wordy Buckner and Mr. Gary Rademacher, Springfield.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

**EIGHTEENTH DAY--THURSDAY, FEBRUARY 3, 2000**

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Reverend Carl Gauck offered the following prayer:

1 Timothy 4:8 "Godliness is profitable unto all things, having promise of the life that now is and of that which is to come."

Almighty and ever living God, as we close off another week of service in this place, we return home mindful that not all of the rewards of the life of faith lie on the other side of the grave. We have many of these rewards both here and now in this life; many which are intangible but precious and some very tangible and loving to behold and for which we are most thankful. Help us recognize these most profitable gifts of the life of faith and celebrate the pure joy of them with those we love. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Scott	Singleton--2		
	Vacancies--1		

## RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1158, regarding the One Hundredth Birthday of Daniel O'Madigan Kennedy, Rolla, which was adopted.

Senator Howard offered Senate Resolution No. 1159, regarding Dean and Lindola Noe, Malden, which was adopted.

Senator Kinder offered Senate Resolution No. 1160, regarding Larry DeWitt, Sikeston, which was adopted.

Senator Ehlmann offered the following resolution, which was read and adopted:

## SENATE RESOLUTION NO. 1161

WHEREAS, the 15th Annual Governor's Cup Basketball Game was held on February 1, 2000, at the Lewis & Clark Middle School Gymnasium in Jefferson City, Missouri; and

WHEREAS, all proceeds raised by the Governor's Cup Basketball Game benefitted the Missouri Special Olympics; and

WHEREAS, the Capitol "Domes" are the 2000 champions of the annual event with their victory over the Fort Leonard Wood "Hilltoppers" by a score of 98 to 97; and

WHEREAS, the Capitol "Domes" emerged victorious due to the valiant efforts of each and every member of the team including: Senator John Schneider; Representatives Gracia Backer, Martin Hohulin, Craig Hosmer, Ryan McKenna, Wes Wagner, and Mark Wright; and players Drue Duncan, Jim Farrell, Jon Hagler, David Smith and Dennis Smith; and

WHEREAS, Senator John Schneider scored two points, and thus the winning two points; and

WHEREAS, the tremendous coaching skills of Attorney General Jay Nixon and Senator Steve Ehlmann also ensured victory of the Capitol "Domes"; and

WHEREAS, the enthusiasm given by the fabulous Senate cheerleaders, including Senators Roseann Bentley, Betty Sims, Anita Yeckel and cheerleading coach Mary Groves Bland provided the necessary energy which cinched the "Domes" success:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby join unanimously in congratulating the Capitol "Domes" for their amazing basketball victory; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Capitol "Domes" basketball team.

Senator Wiggins offered Senate Resolution No. 1162, regarding the death of Mary Louise Schugel, Overland Park, Kansas, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Bentley offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, families are an important institution in this nation and in the state of Missouri; and

WHEREAS, the role that parents play in a child's life is important and the time that parents spend with children is crucial to the future of our society; and

WHEREAS, since 1965, the amount of time that parents spend with their children has dropped forty percent; and

WHEREAS, a 1993 study found that sixty-six percent of adults surveyed nationwide wanted to spend more time with their children; and

WHEREAS, in 1960, less than nineteen percent of married women were in the workforce who had a spouse present and children less than six years of age, yet today, more than sixty percent of such women are in the workplace; and

WHEREAS, currently, seventy-six percent of mothers with school-age children are in the workforce; and

WHEREAS, inflexible work schedules conflict with school hours, day care arrangements and family emergencies; and

WHEREAS, working parents, especially working mothers, require flexible working schedules so that they can take the time to tend to their children's needs; and

WHEREAS, federal law allows public employees to have flexible working schedules, so that such employees can balance the needs of work and family; and

WHEREAS, federal law prohibits employees in the private sector from having flexibility in work schedules which public employees currently

enjoy; and

WHEREAS, in the interest of creating equity between private and public sector employment, and in the interest of promoting the importance of family obligations in our society, private sector employees should be allowed to have flexibility in their work schedules in order to meet their family and personal obligations; and

WHEREAS, such flexibility can be established by allowing employees to opt for paid flexible leave; and

WHEREAS, paid flexible leave would allow a private sector employee to choose to work hours in addition to a forty-hour work week, and use those extra hours as compensatory time for a shorter, future work week. Such flexibility could be met by allowing an employee to work eighty hours over a two-week period in any combination that the employee wishes, or by allowing the employee to take time-and-a-half off instead of time-and-a-half pay for any overtime hours worked. The decision to work a flexible schedule would be solely at the option of the employee, not the employer; and

WHEREAS, federal law prohibits such flexibility at the option of the private sector employee:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Second Regular Session of the Ninetieth General Assembly, the House of Representatives concurring therein, that we respectfully urge the Congress of the United States to address this important issue by enacting legislation which would allow private sector employees to be able to choose paid flexible leave as set forth in this resolution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Delegation of Congress.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 955**-By Mathewson, Maxwell and Howard.

An Act to repeal section 192.005, RSMo 1994, and section 660.050, RSMo Supp. 1999, relating to the department of health, and to enact in lieu thereof two new sections relating to the same subject.

**SB 956**-By Flotron and Goode.

An Act to repeal section 144.062, RSMo Supp. 1999, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

**SB 957**-By Johnson and Quick.

An Act to repeal sections 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo 1994, and section 205.968, RSMo Supp. 1999, relating to sheltered workshops, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

**SB 958**-By Sims.

An Act to amend chapter 135, RSMo, relating to tax relief for research and development by adding thereto one new section relating to the same subject.

**SB 959**-By Howard.

An Act to amend chapters 187 and 660, RSMo, by adding thereto four new sections relating to in-home care for the elderly.

**SB 960**-By Howard and Maxwell.

An Act to repeal section 569.140, RSMo 1994, relating to trespassing, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

**SB 961**-By Stoll and Maxwell.

An Act to repeal section 173.239, RSMo Supp. 1999, relating to educational assistance for members of the Missouri national guard, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 962**-By Bentley.

An Act to repeal section 367.515, RSMo Supp. 1999, relating to title loans, and to enact in lieu thereof one new section relating to the same subject.

**SB 963**-By Kenney.

An Act to repeal section 407.020, RSMo Supp. 1999, relating to telemarketing practices, and to enact in lieu thereof nine new sections relating to the same subject.

**SB 964**-By Jacob.

An Act to repeal sections 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.025, 375.027, 375.071, 375.076, 375.081, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.126 and 375.141, RSMo 1994, and section 375.022, RSMo Supp. 1999, relating to insurance producers, and to enact in lieu thereof seventeen new sections relating to the same subject, with an effective date.

**SB 965**-By Childers.

An Act to amend chapter 137, RSMo, relating to ad valorem taxes by adding thereto two new sections relating to the same subject.

**SB 966**-By Kinder.

An Act to amend chapter 414, RSMo, relating to fuel regulation and conservation by adding thereto one new section relating to requiring the sale of ethanol in certain areas.

**SB 967**-By Maxwell.

An Act to repeal section 536.016, RSMo Supp. 1999, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

**SB 968**-By Maxwell.

An Act to repeal sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031, 381.231, 381.410 and 381.412, RSMo Supp. 1999, relating to the Missouri title insurance act, and to enact in lieu thereof thirty-six new sections relating to the same subject, with penalty provisions and an effective date.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 549**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1106**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1035**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 674**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Mathewson assumed the Chair.

**THIRD READING OF SENATE BILLS**

Senator Quick requested unanimous consent of the Senate to suspend the rules for the purpose of 3rd reading and final passage of **SS** for **SB 549**, which request was granted.

**SS** for **SB 549**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 549

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund, with an emergency clause.

Was taken up.

On motion of Senator Quick, **SS** for **SB 549** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Kinder--1			
Absent--Senator Graves--1			
Absent with leave--Senators			
Mueller	Scott	Singleton--3	
Vacancies--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Kinder--1		
	Absent--Senator Graves--1		
	Absent with leave--Senators		
Mueller	Scott	Singleton--3	
	Vacancies--1		

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 719**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 934**, **SB 546**, **SB 578**, **SB 579** and **SB 782**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator Staples submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 867** and **SB 552**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 610**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 576**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 757** and **SB 602**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.



Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which were referred **SJR 45** and **SJR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 618, Page 1, Section 217.287, Line 3, by inserting after the word "parties." the following:  
**"Notwithstanding the foregoing, the contract may require that the contractor pay the state an amount not to exceed the state's cost for wiring and equipment necessary to provide the service in a safe and secure manner, as well as the salaries of personnel necessary to monitor inmate telephone calls."**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Katharine Fincham, Laura R. Webster, Gary F. Toelke and Dennis D. Martin, as members of the Peace Officer Standards and Training Commission;

Also,

Maria I. Gomez, as a member of the Child Abuse and Neglect Review Board;

Also,

Alexander G. Garza, as a member of the Committee for 911 Service Oversight;

Also,

Lillian D. Eunice, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals;

Also,

Deborah M. Horton, as a member of the Missouri Planning Council on Development Disabilities;

Also,

E. Thomas Copeland, Jr., as a member of the State Committee of Psychologists;

Also,

Norma J. Stack, as a member of the Linn State Technical College Board of Regents;

Also,

Natalie R. Anderson, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Gale S. Kessler, as Executive Director of the Missouri Women's Council;

Also,

Robert S. Arnold, as a member of the Missouri Emergency Response Commission;

Also,

Erin E. Wilson, as a student representative of the Central Missouri State University Board of Governors;

Also,

Diedra C. Thompson and Teresa J. Finn, as members of the Organ Donation Advisory Committee;

Also,

Joseph J. Frank, as a member of the Missouri Veterans' Commission;

Also,

Jane L. VanSant, as a public member and Francis T. H'Doubler, Jr., as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Gary D. Collins, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund;

Also,

Dale Reesman, as a member of the Missouri State Employees Voluntary Life Insurance Commission;

Also,

Denis H. Agniel, Richard D. Lee and Cranston J. Mitchell, as members of the Board of Probation and Parole;

Also,

Jack H. Williams, Herbert W. Martin and Jack D. Atterberry, as members of the Workers' Compensation Determinations Review Board;

Also,

Herbert E. Hardwick, as a member of the Kansas City Area Transportation Authority;

Also,

George S. Reuter, Jr., as a public member and Cynthia R. Ballentine, as a member of the Missouri Board of

Occupational Therapy;

Also,

Larry G. Foster, Ida B. Cox, Elizabeth M. "Betty" Linke and Lowell F. Mohler, as members of the State Fair Commission;

Also,

George E. Walley, Jr., and Susan B. Musgrave, as members of the Mississippi River Parkway Commission;

Also,

Paul E. Lineberry, as a public member of the State Board of Nursing;

Also,

Ted A. Smith, as a member of the Land Reclamation Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

#### **SENATE BILLS FOR PERFECTION**

Senator Quick moved that **SJR 47**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 47**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 47**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Was taken up.

Senator Quick moved that **SCS** for **SJR 47** be adopted.

Senator Quick offered **SS** for **SCS** for **SJR 47**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 47**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Senator Quick moved that **SS** for **SCS** for **SJR 47** be adopted.

Senators Klarich and Flotron offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, In the Preamble, Line 5 of said page, by striking the word "amendment" and inserting in lieu thereof the following: "amendments to be presented as separate questions"; and further amend line 6 of said page, by inserting after the word "Missouri" the following: "and the amendment receiving the greater majority of votes cast for adoption shall supersede"; and

Further amend said resolution, Page 3, Section B, Line 3 of said page, by inserting after all of said line the following:

"Section C. Article X, Constitution of Missouri, is amended by adding thereto one new section, to be submitted to the voters as a separate question, to be known as section 18(f), to read as follows:

**Section 18(f). All moneys received by the state of Missouri which are the proceeds of any award or settlement resulting from a final order in any dispute between the state of Missouri and any company which manufactures, sells or promotes tobacco or tobacco products shall be deposited into the Missouri tobacco settlement trust fund, and shall be included in "total state revenues" as defined in section 17 of this article. Revenue which may not be refunded shall be used exclusively as follows: 60 percent for health care associated with tobacco and tobacco related illness, and health research and development; 20 percent for smoking and substance abuse initiatives, and 20 percent to the Emergency Budget Reserve Fund to address state emergencies, natural disasters and budget deficits.**

**Section D. Pursuant to section 116.155 RSMo, the ballot title shall be:**

**"Shall the tobacco settlement proceeds be included in total state revenue and subject to constitutional revenue limitations. Revenue which may not be refunded shall be used exclusively as follows: 60 percent for health care associated with tobacco and tobacco related illness, and health research and development; 20 percent for smoking and substance abuse initiatives, and 20 percent to the Emergency Budget Reserve Fund to address state emergencies, natural disasters and budget deficits?"**

**Pursuant to section 116.155, RSMo, the fiscal note summary shall be:**

**"Approval of this ballot measure may result in increased revenues of a projected maximum of one hundred fifty-eight million dollars per year to one hundred ninety million dollars per year at no cost to taxpayers which shall be subject to constitutional revenue limitations." "**

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Quick, **SJR 47**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

## INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 969**-By Wiggins and Childers.

An Act to amend chapter 622, RSMo, relating to railroads by adding thereto one new section relating to limited liability in rail accidents involving special passenger trains.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HJR 43**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district bond elections and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Westfall introduced to the Senate, Kristen Bocks, Lockwood; and Kristen was made an honorary page.

Senator Bentley introduced to the Senate, Christine White, Springfield.

Senator Johnson introduced to the Senate, Lyndi Hicks, Bolckow.

Senator Rohrbach introduced to the Senate, Jenell Franken, Tipton.

Senator Howard introduced to the Senate, Jessica Simpson, Portageville; and Jennifer Keene, Clarkton; and Jennifer was made an honorary page.

Senator Steelman introduced to the Senate, Kristen Hill, Chamois.

On behalf of Senator Scott, the President introduced to the Senate, Joyce Bauer, Joe Daniels, Heather Carroll and Angie Skillman, St. Louis; and Joyce, Joe, Heather and Angie were made honorary pages.

Senator Westfall introduced to the Senate, Robert Carty and Renee Meents, Lockwood; and Robert was made an honorary page.

Senator Rohrbach introduced to the Senate, the Physician of the Day, Dr. Robert Power, M.D., Jefferson City.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 7, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**NINETEENTH DAY--MONDAY, FEBRUARY 7, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Philippians 4:11: "I have learned, in whatsoever state I am, therefore to be content."

Gracious God: Each of us has taken different pathways to serve in this place of service, honor and distinction. Each of us has found the joy in knowing that we are here by Your choice and as we follow Your pathways we are content and we pray this day that we remain so even when moments of dissatisfaction touch our lives and we are tempted to become discontented. Bless us to know that our service whether great or small glorifies You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 3, 2000, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Clay--1			
Vacancies--1			

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1163, regarding Ralph A. "Tony" Palazzola, Jr., Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1164, regarding Cedar Springs Elementary School, House Springs, which was adopted.

Senator Russell offered Senate Resolution No. 1165, regarding the late Don Hutson, Lebanon, which was adopted.

Senator House offered Senate Resolution No. 1166, regarding the Jonesburg Lions Club, Jonesburg, which was

adopted.

Senator Rohrbach offered Senate Resolution No. 1167, regarding Don Harris, Tipton, which was adopted.

Senator Mueller offered Senate Resolution No. 1168, regarding Leon N. Hicks, St. Louis, which was adopted.

Senator DePasco offered Senate Resolution No. 1169, regarding the Unicorn Theater, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1170, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Ralph Bobbitt, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1171, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cecil Davis, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1172, regarding Allyson Leigh Renft, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1173, regarding Ryan Manuel, Blue Springs, which was adopted.

Senators Bentley and Kinder offered Senate Resolution No. 1174, regarding Marti Sturm, Cape Girardeau, which was adopted.

Senator Mueller offered Senate Resolution No. 1175, regarding Reverend Dr. W. Leroy Biesenthal, Ballwin, which was adopted.

Senator Mathewson offered Senate Resolution No. 1176, regarding Ronald and Leila Prewitt, Polo, which was adopted.

Senator Bentley offered Senate Resolution No. 1177, regarding John P. (Jack) Stack, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1178, regarding Cheryl Burnett, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1179, regarding Edsel Matthews, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1180, regarding Herman Keiser, which was adopted.

Senator Bentley offered Senate Resolution No. 1181, regarding Edward "Eddie" Baker, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1182, regarding Joe Turner, Springfield, which was adopted.

Senator Jacob offered Senate Resolution No. 1183, regarding Gail Bryant, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 1184, regarding Rhonda Allen, Hartsburg, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 970**-By Flotron.

An Act to amend chapter 621, RSMo, by adding thereto fifteen new sections relating to a state central hearing agency, with an effective date.

**SB 971**-By Jacob.

An Act to amend chapter 130, RSMo, by adding thereto twenty-one new sections relating to financing of certain election campaigns, with a referendum clause and penalty provisions.

**SB 972**-By Bland.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

**SB 973**-By Schneider.

An Act to repeal section 287.150, RSMo 1994, relating to limits on civil liability actions, and to enact in lieu thereof one new section relating to the same subject.

**SB 974**-By Bentley.

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dental services.

**SB 975**-By DePasco.

An Act to repeal section 169.280, RSMo 1994, and sections 160.420, 169.270, 169.291, 169.315 and 169.324, RSMo Supp. 1999, relating to teacher and school retirement systems, and to enact in lieu thereof six new sections relating to the same subject.

**SB 976**-By Sims, Bland, Bentley, Yeckel and Steelman.

An Act to amend chapter 192, RSMo, by adding thereto two new sections relating to the office on women's health.

**SB 977**-By Kinder.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to attorneys.

**SB 978**-By House.

An Act to repeal section 67.210, RSMo Supp. 1999, relating to political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

## **RESOLUTIONS**

Senator Schneider offered the following resolution:

### **SENATE RESOLUTION NO. 1185**

#### **Notice of Proposed Rule Change**

Notice is hereby given by the Senator from the Fourteenth District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. [A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to amendment by a further floor substitute.] **Substitute bills, including committee substitutes, shall take the form of original bills and not that of amendments.** No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

Senator Johnson assumed the Chair.

Senator Flotron moved that **SR 1106** be taken up for adoption, which motion prevailed.



On motion of Senator Flotron, **SR 1106** was adopted.

## REPORTS OF STANDING COMMITTEES

On behalf of Senator Johnson, Chairman of the Committee on Public Health and Welfare, Senator Singleton submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 617** and **SB 646**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 642**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 616**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 724**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 540**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 709**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

## SENATE COMMITTEE AMENDMENT NO. 1.

Amend Senate Bill No. 709, Page 1, Section 8.900, Line 2, by striking the following: "or injured".

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 734**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 752**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

President Pro Tem Quick assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Wiggins moved that **SB 719**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 719**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR**

### **SENATE BILL NO. 719**

An Act to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 719** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 719** was declared perfected and ordered printed.

### **REFERRALS**

President Pro Tem Quick referred **SCR 24** to the Committee on Rules, Joint Rules and Resolutions.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTIETH DAY--TUESDAY, FEBRUARY 8, 2000**

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Romans 8:28 "We know that all things work together for good to them that love God."

Gracious and Merciful Father, we know that we cannot understand Your ways this day or explain them to those who demand explanations. So we wait patiently until Your purposes have been accomplished; and then beginning at the end, look backward, across the years, to see how Your Gracious Will has unfolded. Then with eyes of faith and a courageous heart we can live each day knowing that everything throughout our lives works in a heavenly harmony. So help us, O God, to walk by faith knowing all things work together for good through Your Holy Word. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV 8 and the Associated Press were given permission to take pictures in the Senate Chamber today. The Senate photographer was given permission to use flash photography.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1186, regarding Robert F. Janota, Cape Girardeau, which was adopted.

Senators Westfall and Bentley offered Senate Resolution No. 1187, regarding Tom Dye, Springfield, which was adopted.

## CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the State of Missouri, due to its varied topography, is considered one of the most beautiful of the fifty states; and

WHEREAS, it is the obligation of Missouri citizens and tourists to help preserve this beauty; and

WHEREAS, while much attention has recently been focused on the "Adopt-A-Highway" program which is directed at collecting litter, more needs to be done to prevent littering; and

WHEREAS, the problem of littering is growing and prevention of littering is an obligation not only of Missouri citizens, but also of the tourists in the "Show Me State"; and

WHEREAS, keeping Missouri's roadsides beautiful is an immense and huge, expensive task:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, do hereby instruct the Missouri Highway and Transportation Commission and the Department of Transportation to take immediate action to ensure that signs of appropriate size, lettering and design stating the current maximum penalty for littering be placed along the highways of the state and that any out-of-date signs be replaced; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Missouri Highway and Transportation Commission and the Department of Transportation.

## INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 979**-By Kenney.

An Act to repeal sections 455.080 and 571.090, RSMo 1994, relating to domestic violence, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

## REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 580**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 722**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 769**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 774**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 774, Page 1, Section 478.008, Line 9, by inserting immediately after the word "court" as it appears the first time on said line, the following: ", **one of which shall be a public member**".

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 856**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 557**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## SENATE BILLS FOR PERFECTION

Senator Quick moved that **SJR 47**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Klarich moved that **SA 1** be adopted.

Senator Klarich offered **SSA 1** for **SA 1**:

## SENATE SUBSTITUTE AMENDMENT NO. 1

### FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, In the Preamble, Line 5 of said page, by striking the word "amendment" and inserting in lieu thereof the following: "amendments in section A and section C to be presented as separate questions"; and further amend line 6 of said page, by inserting after the word "Missouri" the following: "and the amendment presented in section A or section C receiving the greater majority of votes cast for adoption shall supersede"; and

Further amend said resolution, Page 2, Section 18(f), Line 7 of said page, by inserting after the word "care" the following: "**relating to tobacco and tobacco-related illnesses**"; and further amend said line, by inserting after the word "research" the words "**and development**"; and

Further amend said resolution, Page 2, Section 18(f), Line 14 of said page, by striking the word "budget" and inserting in lieu thereof the word "**program**"; and

Further amend said resolution, Page 2, Section B, Line 18 of said page, by striking the word "revenue" and inserting in lieu thereof the word "revenues"; and

Further amend said resolution, Page 2, Section B, Line 19 of said page, by inserting after the word "research" the words "and development"; and

Further amend said resolution, Page 2, Section B, Line 22 of said page, by striking the word "budget" and inserting in

lieu thereof the word "program"; and

Further amend said resolution, Page 3, Section B, Line 3 of said page, by inserting after all of said line the following:

"Section C. Article X, Constitution of Missouri, is amended by adding thereto one new section, to be submitted to the voters as a separate question, to be known as section 18(f), to read as follows:

**Section 18(f). All moneys received by the state of Missouri which are the proceeds of any award or settlement resulting from a final order in any dispute between the state of Missouri and any company which manufactures, sells or promotes tobacco or tobacco products shall be deposited into the Missouri tobacco settlement trust fund, and shall be included in "total state revenues" as defined in section 17 of this article. Tobacco proceeds which do not exceed the revenue limit established in section 18 of this article shall be subject to appropriation by the General Assembly for the following purposes only:**

**(1) Sixty percent of the moneys shall be used for health care relating to tobacco and tobacco-related illnesses, and health research and development;**

**(2) Twenty percent of the moneys shall be used for smoking and substance abuse education, prevention and cessation; and**

**(3) Twenty percent of the moneys shall be deposited into the "Emergency Budget Reserve Fund", which is hereby created in the state treasury and, upon two-thirds vote of the members elected to each house, shall be used to address any state emergency, natural disaster or program deficit.**

Section D. Pursuant to section 116.155, RSMo, the official ballot title shall be:

"Shall the tobacco proceeds be included in total state revenues, and proceeds which do not exceed the revenue limit be used exclusively for the following purposes: 60% for health care relating to tobacco and tobacco-related illnesses, and health research and development; 20% for smoking and substance abuse initiatives; and 20% to address state emergencies, natural disasters and program deficits?"

Pursuant to section 116.155, RSMo, the fiscal note summary shall be:

"Approval of this ballot measure may result in increased revenues of a projected maximum of one hundred fifty-eight million dollars per year to one hundred ninety million dollars per year at no additional cost to taxpayers which shall be subject to constitutional revenue limits.""

Senator Klarich moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

The Senate stood in a moment of silence in memory of Kansas City Chiefs linebacker Derrick Thomas.

Senator Mathewson assumed the Chair.

Senator Quick offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, Section 18(f), Lines 9-11, by deleting all of said lines, and inserting in lieu thereof "7, by inserting after the word "research" the words"; and

Further amend said amendment, page 2, line 25, by deleting "**relating to tobacco and tobacco-related illnesses**"; and

Further amend said amendment, page 3, line 13, by deleting "relating to tobacco and tobacco-related illnesses,".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Quick, **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1**, as amended (pending), was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 980**-By Jacob.

An Act to repeal section 565.090, RSMo 1994, and sections 455.010, 455.050, 455.523, 455.543, 455.545, 491.060 and 565.063, RSMo Supp. 1999, relating to domestic violence, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

**SB 981**-By Jacob.

An Act to amend chapter 313, RSMo, relating to funding of higher education with video gaming revenues by adding thereto eight new sections relating to the same subject, with penalty provisions.

**SB 982**-By Westfall.

An Act to repeal sections 252.030 and 252.040, RSMo 1994, and to enact in lieu thereof two new sections relating to restrictions on reintroducing wild elk, with penalty provisions.

**SB 983**-By Goode.

An Act to repeal sections 640.220, 644.016, 644.021, 644.036, 644.052, 644.053, 644.054, 644.056, 644.061, 644.066, 644.071 and 644.076, RSMo 1994, and sections 644.026 and 644.051, RSMo Supp. 1999, relating to clean water, and to enact in lieu thereof fourteen new sections relating to the same subject.

**SB 984**-By Maxwell and Bland.

An Act to repeal section 375.936, RSMo 1994, and section 376.383, RSMo Supp. 1999, relating to health insurer practices, and to enact in lieu thereof two new sections relating to the same subject.

**SB 985**-By Maxwell.

An Act to authorize the conveyance of state property to the Optimist Club Foundation of Mexico Missouri, Inc.

**SB 986**-By Kenney, Wiggins, DePasco, Bland, Johnson and Bentley.

An Act to amend chapter 172, RSMo, by adding thereto five new sections relating to the University of Missouri.

**SB 987**-By Ehlmann.

An Act to amend chapters 27, 162, 163, 168, 170 and 171, RSMo, by adding thereto eleven new sections relating to school district operations.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 719**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 901**--Public Health and Welfare.

**SB 902**--Local Government and Economic Development.

**SB 903**--Ways and Means.

**SB 904**--Local Government and Economic Development.

**SB 905**--Public Health and Welfare.

**SB 906**--Labor and Industrial Relations.

**SB 907**--Civil and Criminal Jurisprudence.

**SB 908**--Ways and Means.

**SB 909**--Ways and Means.

**SB 910**--Pensions and General Laws.

**SB 911**--Education.

**SB 912**--Insurance and Housing.

**SB 913**--Commerce and Environment.

**SB 914**--Judiciary.

**SB 915**--Financial and Governmental Organi-zation.

**SB 916**--Civil and Criminal Jurisprudence.

**SB 917**--Financial and Governmental Organi-zation.

**SB 918**--Education.

**SB 919**--Education.



**SB 920**--Ways and Means.

**SB 921**--Public Health and Welfare.

**SB 922**--Pensions and General Laws.

**SB 923**--Public Health and Welfare.

**SB 924**--Local Government and Economic Development.

**SB 925**--Agriculture, Conservation, Parks and Tourism.

**SB 927**--Education.

**SB 928**--Pensions and General Laws.

**SB 929**--Insurance and Housing.

**SB 930**--Insurance and Housing.

**SB 931**--Education.

**SB 932**--Public Health and Welfare.

**SB 933**--Education.

**SB 935**--Local Government and Economic Development.

**SB 936**--Ways and Means.

**SB 937**--Public Health and Welfare.

**SB 938**--Pensions and General Laws.

**SB 939**--Labor and Industrial Relations.

**SB 940**--Local Government and Economic Development.

**SB 941**--Civil and Criminal Jurisprudence.

**SB 942**--Civil and Criminal Jurisprudence.

**SB 943**--Public Health and Welfare.

**SB 944**--Civil and Criminal Jurisprudence.

**SB 945**--Pensions and General Laws.

**SB 946**--Local Government and Economic Development.

**SB 947**--Public Health and Welfare.

**SB 948**--Education.

**SB 949**--Aging, Families and Mental Health.

**SB 950**--Judiciary.

## **RESOLUTIONS**

Senator Clay offered Senate Resolution No. 1188, regarding Joan Lipkin, St. Louis, which was adopted.

## **COMMUNICATIONS**

Senator Ehlmann submitted the following:

February 8, 2000

Terry L. Spieler

Senate Secretary

Missouri Senate

State Capitol Building

Jefferson City, MO 65101

Re: Senate Bill No. 752

Dear Ms. Spieler:

Under the provisions of Senate Rule 45, I find Senate Bill 752, relating to the election process for school board in St. Louis City, to be controversial in nature. I, therefore, respectfully request that it be returned to the Senate Education Committee.

Thank you for your assistance.

Sincerely yours,

/s/ Steve Ehlmann

Steven E. Ehlmann

## **INTRODUCTIONS OF GUESTS**

Senator Wiggins introduced to the Senate, Mark Lamping, President of the St. Louis Cardinals.

The President introduced to the Senate, Marco Tapia, Boone County.

Senator Kinder introduced to the Senate, Tommy Petzoldt, Frohna.

Senator Rohrbach introduced to the Senate, Jon Smith, Mountain View; Randy Mueller, Old Monroe; Carl Barnes, Potosi; Richard Landers, Poplar Bluff; Tim Holden, Dexter; Bob Gossett, Roswell, Georgia; Steve Arnold, Chillicothe; Mark Cardwell, Novelty; Mr. and Mrs. John R. Johnson, Galena; Robert L. Krepps, Jefferson City; John P. Slusher, Columbia; Doyle Frost, Winona; and Cory Ridenhour.

Senator Singleton introduced to the Senate, Charlotte McClure and Dewayne Phelan, Joplin.

Senator Mathewson introduced to the Senate, Rick Carpenter and the 1999 State Fair Community College National Championship Soccer Team.

Senator Singleton introduced to the Senate, Julie Renouvel, France; and Nancy Hardy, Joplin.

Senator Jacob introduced to the Senate, the Physician of the Day, L. Wayne Hess, M.D., Columbia.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 9, 2000**

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Matthew 5:14: "You are the Light of the world."

Heavenly Father, we pray this day that our lives may be an influence for good and never set a bad example for our fellow citizens. May Your Holy Spirit guide us so that we may truly be a light which leads others to see our "good works", the fruits of our faith and thereby glorify You our Father in Heaven, bringing them to You who will be their God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1189, regarding Herbert Frank Nelson, Jr., Sweet Springs, which was adopted.

Senator Howard offered Senate Resolution No. 1190, regarding True Love Waits, which was adopted.

Senator Kenney offered Senate Resolution No. 1191, regarding Dr. Carl Poe, Lee's Summit, which was adopted.

Senator House offered Senate Resolution No. 1192, regarding St. Louis Embroidery, which was adopted.

Senator House offered Senate Resolution No. 1193, regarding LeRoy and Margie Vogel, Bowling Green, which was adopted.

Senator Westfall offered Senate Resolution No. 1194, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. George Stander, Buffalo, which was adopted.

Senator Steelman offered Senate Resolution No. 1195, regarding the Ninety-fourth Birthday of Thomas R. Coffey, Maries County, which was adopted.

## **REFERRALS**

President Pro Tem Quick referred **SCR 25** to the Committee on Rules, Joint Rules and Resolutions.

## **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 988**-By Westfall.

An Act to repeal section 304.022, RSMo Supp. 1999, relating to emergency vehicles, and to enact in lieu thereof one new section relating to the same subject.

**SB 989**-By Westfall.

An Act to repeal sections 143.011, 143.071, 144.021, 144.440, 144.700, 144.701, 163.022, 163.032, 164.013 and 177.088, RSMo 1994, and sections 137.073, 144.020, 162.081, 163.011, 163.021, 163.031, 163.087, 164.011, 165.011 and 166.131, RSMo Supp. 1999, relating to funding for public schools, and to enact in lieu thereof sixteen new sections relating to the same subject, with an effective date for a certain section and a referendum clause.

**SB 990**-By Howard and Childers.

An Act to amend chapter 523, RSMo, by adding thereto one new section relating to regulatory taking.

**SB 991**-By Wiggins and Maxwell.

An Act to repeal section 313.820, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to the gaming commission, and to enact in lieu thereof four new sections relating to the same subject.

**SJR 54**-By Westfall.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 11(b) of article X of the Constitution of Missouri relating to approval of school taxes, and adopting one new section in lieu thereof relating to the same subject.

## **THIRD READING OF SENATE BILLS**

**SCS** for **SB 719**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR**

**SENATE BILL NO. 719**An Act to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS** for **SB 719** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
House	Schneider--2		
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

### **SENATE BILLS FOR PERFECTION**

Senator Quick moved that **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Flotron offered **SA 2** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, Line 3, by inserting after the word "questions" the following: "at the same election".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 3** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 3 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 2, Section 18(f), Line 18, by adding after the word "be" the word "permanently"; and

Further amend said section and page, line 19, by inserting after the word "shall" on said line the word "**not**"; and further amend said section and page, by inserting after the period "." on line 20 the words "**Income earned from the permanent trust fund derived from the**".

Senator Childers moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 3** to **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Section 18(f), Lines 5-6 of said page, by striking the following: "upon two-thirds vote of the members elected to each house,"; and further amend line 7 of said page, by inserting immediately after said line the following:

**"Notwithstanding any other provisions of law to the contrary, nothing in this section shall prohibit the general assembly from authorizing the sale of future interest in any settlement proceeds for current valuation. In the event of such authorization, the state treasurer may invest any resulting proceeds as he determines to be reasonably prudent. Subject to the percentages set forth in this section, the general assembly may further limit the appropriation of the moneys in the fund to the earnings resulting from such investment."**

Senator Jacob moved that the above substitute amendment be adopted.

Senator Childers raised the point of order that **SSA 1** for **SA 3** to **SSA 1** for **SA 1** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem.

At the request of Senator Jacob, **SSA 1** for **SA 3** to **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

**SA 3** to **SSA 1** for **SA 1** was again taken up.

At the request of Senator Quick, **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 3** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 992**-By Sims.

An Act to repeal section 143.124, RSMo Supp. 1999, relating to income tax, and to enact in lieu thereof one new section relating to the same subject.

**SB 993**-By Maxwell.

An Act to amend chapter 454, RSMo, by adding thereto one new section relating to the support of children.

**SB 994**-By Flotron.

An Act to amend chapters 32, 105, 161 and 620, RSMo, by adding thereto four new sections relating to technology projects by state agencies.

## **RESOLUTIONS**

Senator Rohrbach offered Senate Resolution No. 1196, regarding National TRIO Day, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Ms. Timmie Hunter, New Madrid.

Senator Maxwell introduced to the Senate, Whitney, Laef and Jane Morris, Kahoka.

Senator Rohrbach introduced to the Senate, Jeff Wallace and Brandon and LuAnna Perry, Boonville.

Senator Wiggins introduced to the Senate, Tim Truesdale, Charlotte Melson and Sue Frank, Raytown.

Senator Howard introduced to the Senate, Rhonda Middleton, Advance.

On behalf of Senator Bentley and himself, Senator Westfall introduced to the Senate, Dan Schiedel and Tammy Kirks, Springfield.

On behalf of Senator Childers and herself, Senator Bentley introduced to the Senate, Nicole Deffenderfer, Alissa Dougan and Cindy Gregg, Ozark.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-SECOND DAY--THURSDAY, FEBRUARY 10, 2000**

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 25:15: "Mine eyes are ever towards the Lord."

Blessed Lord, Father of humankind, help us keep our eyes ever towards You as we make our way through the heartaches and disappointments, irritations and vexations, trials and temptations that are a part of our workday world. In this weekend we have ahead of us help us to rediscover, with our loved ones, the strength You provide that gives meaning and focus to all that we confront; and grant that the eyes of our faith may always be directed toward You amid all that would distract us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

Photographers from the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Scott--1

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1197, regarding Larry DeWitt, Sikeston, which was adopted.

Senator Kenney offered Senate Resolution No. 1198, regarding Doris Turner, Jefferson County, which was adopted.

Senator Caskey offered Senate Resolution No. 1199, regarding Frances Hancock, Holden, which was adopted.

Senator Caskey offered Senate Resolution No. 1200, regarding Dr. Thomas P. Wescott, Holden, which was adopted.

Senator House offered Senate Resolution No. 1201, regarding Margie Vogel, Bowling Green, which was adopted.

Senator Wiggins offered Senate Resolution No. 1202, regarding James Costin, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1203, regarding George Keathley, Kansas City, which was adopted.

Senator Goode offered the following resolution:

#### SENATE RESOLUTION NO. 1204

##### Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 13th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 95 be amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used by the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber [or], **Bingham Gallery or** Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senators Kinder and Howard offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1205

WHEREAS, the members of the Missouri Senate were truly saddened by the death of longtime Daily American Republic editor-publisher Robert M. Wolpers on Friday, February 4, 2000, at the age of eighty-four; and

WHEREAS, born on May 25, 1915, at Bonne Terre, Missouri, Robert Wolpers was the son of John H. and Hattie Kinder Wolpers who founded the Daily American Republic in 1916 after the family moved to Poplar Bluff, Missouri; and

WHEREAS, at the request of his father, Robert Wolpers took over operation of the newspaper in 1942 and remained at its head until his retirement in 1988 when the family-owned enterprise was sold to Woodward Communications of Dubuque, Iowa; and

WHEREAS, as editor-publisher, Robert Wolpers used the Daily American Republic as a platform for community betterment through the editorial support of such projects as the reestablishment of a public swimming pool in the 1950s, enhancement of local parks, protection of dental health through fluoridation of water, bond issues for school improvements, establishment of Three Rivers Community College, and fund drives for the United Way and other service and charitable organizations; and

WHEREAS, president of the Southeast Missouri Press Association in 1952, Mr. Wolpers touched the lives of many as a member of the State 4-H Club Advisory Council and the First United Methodist Church; and

WHEREAS, Robert Wolpers served fourteen years on the Missouri State Park Board, more than thirty years on the Commerce Bank board of directors, as president of the Poplar Bluff Chamber of Commerce and chairman of its Industrial Development committee, and as a member of the Poplar Bluff Park Board; and

WHEREAS, always willing to use his powers of persuasion for the benefit of the Poplar Bluff community, the late Robert Wolpers is mourned by

his many friends, colleagues, and coworkers, and especially by his family which consists of his beloved wife since May 21, 1941, the former Blanche Boyd; his children, Emily Wolpers, Mary Wolpers, and John and Julie Wolpers; grandchildren, John H. Wolpers III and Anne Wolpers; and his siblings, Mr. and Mrs. Henry M. Wolpers, Mrs. Alan Wolpers, and Bob and Mary Boyd:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to commend the life and work of the late Robert Wolpers and to convey our sincerest condolences to all of those who miss his vibrant light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Robert M. Wolpers of Poplar Bluff, Missouri.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 995**-By Goode and Yeckel.

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to motor vehicle emissions inspections, with an emergency clause.

**SB 996**-By DePasco.

An Act to repeal section 570.120, RSMo 1994, relating to stealing and related offenses, and to enact in lieu thereof one new section relating to the same subject.

**SB 997**-By Caskey.

An Act to repeal section 473.340, RSMo 1994, relating to trusts and estates, and to enact in lieu thereof one new section relating to the same subject.

**SB 998**-By Flotron.

An Act to amend chapter 620, RSMo, by adding thereto twenty new sections relating to business and industrial development companies.

**SB 999**-By Kenney.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the establishment of a small business advocate.

**SB 1000**-By Rohrbach.

An Act to repeal section 181.060, RSMo 1994, relating to public libraries, and to enact in lieu thereof one new section relating to the same subject.

## **THIRD READING OF SENATE BILLS**

**SB 788**, introduced by Senator Johnson, entitled:

An Act to repeal section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, relating to public officers and employees, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 788** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Flotron	Scott--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

**SB 669**, introduced by Senator Goode, entitled:

An Act to repeal section 21.250, RSMo 1994, relating to powers of the general assembly, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 669** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Childers	Clay
DePasco	Ehlmann	Goode	Graves
Jacob	Johnson	Kinder	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Caskey	House	Howard	Kenney
Klarich	Steelman--6		
	Absent--Senators--None		
	Absent with leave--Senators		
Flotron	Scott--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 556**, introduced by Senator Mueller, entitled:

An Act to repeal sections 355.561 and 355.596, RSMo 1994, relating to not for profit corporations, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mueller, **SB 556** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Flotron	Scott--2		
	Vacancies--1		

The President declared the bill passed.

Senator Mathewson assumed the Chair.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 596**, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal section 67.1360, RSMo Supp. 1999, relating to local sales tax for tourism, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 596**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 596

An Act to repeal section 67.1360, RSMo Supp. 1999, relating to local sales tax for tourism, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 596** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 596** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Graves-- 1			
Absent--Senators			
Quick	Singleton--2		
	Absent with leave--Senators		
Flotron	Scott--2		
	Vacancies-- 1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Goode	Quick	Singleton--4
Absent with leave--Senators			
Flotron	Scott--2		
Vacancies--1			

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 657**, with **SCS**, introduced by Senator Childers, entitled:

An Act to repeal section 252.230, RSMo Supp. 1999, relating to wildlife offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 657**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 657

An Act to repeal section 252.230, RSMo Supp. 1999, relating to wildlife offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that **SCS** for **SB 657** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 657** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator House--1			
Absent--Senators			
Singleton	Staples--2		
Absent with leave--Senators			
Flotron	Scott--2		
Vacancies--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 663**, introduced by Senator Schneider, entitled:

An Act to repeal section 337.029, RSMo Supp. 1999, as enacted by house committee substitute for senate committee substitute for senate bill no. 732 of the eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, **SB 663** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Quick	Singleton	Staples--3	
	Absent with leave--Senators		
Flotron	Scott--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 617** and **SB 646**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 580**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 642**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Douglas S. McDermott, as a student representative of the Southeast Missouri State University Board of Regents;

Also,

Whitney N. Morris, as a student representative of the Southwest Missouri State University Board of Governors;

Also,



Matthew A. Hackett, as a student representative of the Northwest Missouri State University Board of Regents;

Also,

Brett S. Doennig, as a student representative of the Missouri Southern State College Board of Regents;

Also,

Thomas R. Jayne and G. Ruth Mach, as members of the Truman State University Board of Governors;

Also,

Susan Wilson Solovic and Jane B. Klieve, as members of the Missouri Women's Council;

Also,

Willa M. McCullough, as a public member of the State Committee of Psychologists;

Also,

Cathy J. Frier, as a member of the State Board of Optometry;

Also,

John William Jermyn, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Patrick R. Brady, as a member of the Missouri Health Facilities Review Committee;

Also,

Norwood A. Creason, as a member of the State Fair Commission;

Also,

Larry J. Lovejoy, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Charles D. Banks and David A. Childers, as members of the State Environmental Improvement and Energy Resources Authority;

Also,

Thomas J. Garnett, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Palmer R. "Nick" Nichols, II, as a member of the Missouri Training and Employment Council;

Also,

Charles Richard Gulick, as a member of the State Board of Registration for the Healing Arts.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

### **SRB 1001**-By Wiggins.

An Act to repeal sections 67.401, 70.430, 87.287, 94.576, 191.599, 191.825, 207.090, 231.466, 287.889, 590.116, 620.600, 620.605 and 620.607, RSMo 1994, and sections 21.570, 37.510, 72.424, 105.980, 135.360, 163.029, 207.125, 210.775, 210.776, 217.041, 217.042, 219.089, 301.004, 316.235, 321.509, 348.425, 454.1019, 488.023, 577.053, 617.001, 617.005, 617.015, 617.025, 617.035, 617.045 and 620.126, RSMo Supp. 1999, for the purpose of repealing expired provisions of law and sections with contingent effective dates which never became effective.

### **SRB 1002**-By Wiggins.

An Act to transfer or enact thirty-eight sections in compliance with the directives of senate bill no. 869 of the second regular session of the eighty-eighth general assembly, 1996.

### **SB 1003**-By Wiggins.

An Act to repeal sections 701.025, 701.027, 701.029, 701.035, 701.037, 701.038, 701.040, 701.043, 701.046, 701.048, 701.050, 701.052, 701.053, 701.054, 701.055 and 701.059, RSMo 1994, and sections 701.031, 701.033 and 701.051, RSMo Supp. 1999, relating to on-site sewage treatment systems, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

### **SB 1004**-By Schneider and Wiggins.

An Act to repeal section 477.010, RSMo 1994, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

### **SB 1005**-By Schneider.

An Act to repeal sections 303.020 and 303.120, RSMo 1994, and sections 105.1073, 303.030 and 303.190, RSMo Supp. 1999, relating to motor vehicle insurance, and to enact in lieu thereof one new section relating to the same subject.

### **SB 1006**-By Yeckel.

An Act to repeal section 452.377, RSMo Supp. 1999, relating to custody of children, and to enact in lieu thereof one new section relating to the same subject.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William C. Brandes, 415 Lennox Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diana G. Fendya, 1010 Cabernet, Chesterfield, St. Louis County, Missouri 63017, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Glenn E. Good, Ph.D., 1612 Jesse Lane, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Psychologists, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charlene L. Jones, Ph.D., Democrat, Number Nine Aberdeen Place, St. Louis City, Missouri 63105, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul S. Lindsey, Democrat, 19336 Goldenwood Road, Lebanon, Laclede County, Missouri 65536, as a member of the Missouri Development Finance Board, for a term ending September 14, 2003, and until his successor is duly appointed and qualified; vice, Darwin Hindman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael H. Metzler, M.D., 2504 Ridgefield Road, Columbia, Boone County, Missouri 65201, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy A. "Dottie" Phelps, Democrat, 605 Felix Boulevard, Malden, Dunklin County, Missouri 63863, as a public member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Earline B. White, 1601 Britain Way, St. Charles, St. Charles County, Missouri 63304, as a public member of the Interior Design Council, for a term ending April 6, 2003, and until her successor is duly appointed and qualified; vice, Melissa Thomas-Hunt, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nathan R. Williams, 2308 Blue Ridge Road, Columbia, Boone County, Missouri 65202, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brenda J. Wrench, 6962 Mardel Avenue, St. Louis, St. Louis County, Missouri 63109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, Doris Jones, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1363**, entitled:

An Act to repeal section 680.175, RSMo 1994, relating to transportation services, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1144**, entitled:

An Act to amend chapter 407, RSMo, relating to merchandising practices for certain home improvement loans by adding thereto one new section relating to the same subject, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1321**, entitled:

An Act to amend chapter 589, RSMo, relating to crime prevention and control by adding thereto twenty-four new sections for the purpose of enacting the Interstate Compact for Adult Offender Supervision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1142**, entitled:

An Act to repeal section 304.200, RSMo Supp. 1999, relating to traffic regulations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Singleton introduced to the Senate, Ramonia Brandon, R.N., and Karen Stoner, R.N., Joplin; and Karen Backus, R.N., B.S.N., Jefferson City.

Senator Johnson introduced to the Senate, Richard, Phyllis, Mike and Julie Thornton, Savannah.

On behalf of Senator Wiggins, the President introduced to the Senate, Jim Stacy and Gordon Dockey, Kansas City.

Senator Graves introduced to the Senate, the Physician of the Day, James D. Humphrey, M.D., Mound City.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 14, 2000.



# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-THIRD DAY--MONDAY, FEBRUARY 14, 2000**

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 10:17: "Lord, You have heard the desire of the humble: You will prepare their heart, You will cause Your ear to hear."

Gracious Father, You are so ready and willing to hear that before Your People cry unto You, You have already discerned the desires of their hearts. You who encourage us to pray when we have no such desire make it possible to satisfy our souls and You give us faith to live through the trials and difficulties of life which makes our faith more brightly shine. So we may say cheerfully that we praise Your name and worship You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 10, 2000, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent with leave--Senators			
Kenney	Mueller	Scott--3	
Vacancies--1			
The Lieutenant Governor was present.			

Senator Staples assumed the Chair.

## RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1206, regarding David Wax, Columbia, which was adopted.

Senator Bland offered Senate Resolution No. 1207, regarding the death of Derrick Vincent Thomas, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1208, regarding Senator Harry Wiggins, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1209, regarding David James Quintero, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1210, regarding Porfirio Raya, Jr., Kansas City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1211, regarding Mary Magers, Eugene, which was adopted.

Senator Steelman offered Senate Resolution No. 1212, regarding Amy Schlueter, Rolla, which was adopted.

Senator Clay offered Senate Resolution No. 1213, regarding the Intensive Therapeutic Community at the Jefferson City Correctional Center, which was adopted.

On behalf of Senator Kenney, Senator DePasco offered Senate Resolution No. 1214, regarding the death of Derrick Vincent Thomas, Kansas City, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1007**-By Scott.

An Act to repeal section 94.655, RSMo Supp. 1999, relating to transportation sales taxation, and to enact in lieu thereof one new section relating to the same subject.

**SB 1008**-By Scott.

An Act to repeal sections 135.408 and 135.411, RSMo 1994, sections 135.403, 348.300, 348.302, 620.1420 and 620.1450, RSMo Supp. 1999, and both versions of section 135.535 as they appear in RSMo Supp. 1999, relating to tax relief in distressed communities, and to enact in lieu thereof eight new sections relating to the same subject.

**SB 1009**-By Bentley.

An Act to repeal section 82.1035, RSMo 1994, relating to geographical information systems, and to enact in lieu thereof one new section relating to the same subject.

**SB 1010**-By Childers and Caskey.

An Act to repeal section 301.020, RSMo Supp. 1999, section 302.171 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and section 302.171 as enacted by house bill no. 783, eighty-ninth general assembly, first regular session, relating to licenses, and to enact in lieu thereof three new sections relating to the blindness education, screening and treatment program, with an effective date.

**SB 1011**-By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to patients' rights.

**SB 1012**-By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to physicians.

**SB 1013**-By Stoll.

An Act to amend chapter 169, RSMo, relating to certain school retirement systems, by adding thereto one new section relating to the same subject.

**SB 1014**-By Stoll.

An Act to repeal section 144.030, RSMo Supp. 1999, relating to exemptions from state and local sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 1015**-By Wiggins and DePasco.

An Act to repeal sections 86.403, 86.442, 86.493, 86.675, 86.730 and 86.780, RSMo 1994, and sections 86.440, 86.441, 86.447, 86.483, 86.750 and 86.770, RSMo Supp. 1999, relating to certain police retirement systems, and to enact in lieu thereof twelve new sections relating to the same subject.

## REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator DePasco submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 821**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 821, Page 1, Section 50.1175, Line 11, by inserting after "50.1300" the following: ", **provided that once a person's pension benefit is in pay status, it shall be subject to withholding pursuant to the terms of section 452.350, RSMo**".

On behalf of Senator Schneider, Chairman of the Committee on Judiciary, Senator Caskey submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 746**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 883**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 934, SB 546, SB 578, SB 579** and **SB 782**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SBs 934, 546, 578, 579** and **782**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 934, 546, 578, 579 and 782

An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.309, 302.505, 304.012, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SBs 934, 546, 578, 579 and 782** be adopted.

Senator Caskey offered **SS** for **SCS** for **SBs 934, 546, 578, 579 and 782**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 934, 546, 578, 579 and 782

An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.505, 304.012, 577.001, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **SBs 934, 546, 578, 579 and 782** be adopted.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 10, Section 577.017, Line 22, by deleting "zero" and replacing with "two-hundredths of one".

Senator Sims moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Mathewson assumed the Chair.

Senator Staples offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 16, Section 577.600, Line 22, by inserting after all of said line the following:

**"Section 1. Every commercial pilot shall be required to submit to a breathalyzer test prior to any flight in which he is responsible for operation of the airplane.";** and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 13, Section 577.023, Line 15, by inserting after the word "service" the following: "**and successfully completes a sixty-day detoxi-fication program. In addition, no persistent offender shall be eligible to be released from probation or parole until the offender has demonstrated through periodic drug testing that he has been alcohol-free for at least one year.**".

Senator Howard moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 13, Section 577.023, Line 15, by inserting after the word "service" the following: "**or such person successfully completes a sixty-day treatment program. In addition, no persistent offender shall be eligible to be released from probation or parole until the offender has demonstrated through periodic drug testing that he has been alcohol-free for at least one year.**".

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Rohrbach, **SSA 1** for **SA 3** was withdrawn.

Senator Goode offered **SSA 2** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

"302.060. The director shall not issue any license and shall immediately deny any driving privilege:

- (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
- (2) To any person who is under the age of sixteen years, except as hereinafter provided;
- (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
- (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
- (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
- (6) To any person who, when required by this law to take an examination, has failed to pass such examination;
- (7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;

- (8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;
- (9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;
- (10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, **or aggravated driving with excessive blood alcohol content in any combination**, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;
- (11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;
- (12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license."; and

Further amend said bill, page 4, section 302.302, Line 14 of said page, by inserting after all of said line the following:

**"(15) For a conviction of aggravated driving with an excessive blood alcohol content.....12 points"; and**

Further amend said bill and section, page 5, line 1 of said page, by striking "or (10)" and inserting in lieu thereof the following: ", **(10) or (15)**"; and further amend line 6 of said page, by striking "and (11)" and inserting in lieu thereof the following: ", **(11) and (15)**"; and further amend lines 8 and 9 of said page by striking "and (11)" and inserting in lieu thereof the following: ", **(11) and (15)**"; and

Further amend said bill, page 6, Section 302.302, Line 17 of said page, by inserting after all of said line the following:

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the

date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege [has] **have** been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege [has] **have** been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(10)] **(11)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(10)] **(11)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. **The period of suspension of the driver's license and driving privilege of any person pursuant to the provisions of subdivision (10) of subsection 1 of section 302.302 shall be ninety days.** Upon completion of [such] **this** period of restricted driving privilege, **if applicable, and** upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege [has] **have** been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege [has] **have** been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.
10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.
11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.
12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.
13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.
14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9), [or] (10) **or (11)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010[, except]. The department may waive [such] **the** requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.
15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said bill, Page 7, Section 302.505, Line 5 of said page, by inserting after "RSMo," the following: "**or aggravated driving with excessive blood alcohol content in violation of section 577.015, RSMo,**"; and

Further amend said bill, Page 7, Section 302.505, Line 19 of said page, by inserting after all of said line the following:



"302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, **577.015**, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of ten-hundredths of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

302.545. 1. Any person who is less than twenty-one years of age and whose driving privilege has been suspended or revoked, for a first determination under sections 302.500 to 302.540, that such person was driving with two-hundredths of one percent of blood alcohol content, shall have all official records and all recordations maintained by the department of revenue of such suspension or revocation expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs. Such expungement shall be performed by the department of revenue without need of a court order. No records shall be expunged if the person was found guilty or pled guilty to operating a commercial motor vehicle, as defined in section 302.700, with a blood alcohol content of at least four-hundredths of one percent.

2. The provisions of this section shall not apply to any person whose license is suspended or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is convicted of any alcohol-related driving offense before the age of twenty-one including, but not limited to:

(1) Driving while intoxicated pursuant to section 577.010, RSMo; [or]

(2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo; **or**

**(3) Aggravated driving with excessive blood alcohol content pursuant to section 577.015, RSMo."**; and

Further amend said bill, Page 8, Section 304.012, Line 7 of said page, by inserting after all of said line the following: "302.540. 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. **The court shall order the offender to pay restitution to the state in the amount of any fee or portion of**

**any fee paid by the state on behalf of the offender.** Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

**4. The division of alcohol and drug abuse of the department of mental health shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program."**; and

Further amend said bill, Page 10, Section 577.012, Line 2 of said page, by inserting after all of said line the following:

**"577.015. 1. A person commits the crime of "aggravated driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood.**

**2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.**

**3. For the first offense, driving with excessive blood alcohol content is a class B misdemeanor."**; and

Further amend said bill, Page 11, Section 577.023, Line 6 of said page, by inserting after "intoxicated," the following: **"aggravated driving with excessive blood alcohol content,"**; and

Further amend said bill, Page 12, Section 577.023, Line 18 of said page, by striking "or 577.012" and inserting in lieu thereof the following: **"[or], 577.012 or 577.015"**; and further amend line 21 of said page, by striking "or 577.012" and inserting in lieu thereof the following: **"[or], 577.012 or 577.015"**; and

Further amend said bill, Page 15, Section 577.023, Line 14 of said page, by inserting after all of said line the following:

**"577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001 or a required educational assessment and community treatment program pursuant to section 559.633, RSMo.**

**2. The fees for the substance abuse traffic offender program, or a portion [thereof] of the program, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. The court shall order the offender to pay restitution to the state in the amount of any fee or portion of any fee paid by the state on behalf of the offender.** Any person who attends the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

Senator Ehlmann offered **SA 1** to **SSA 2** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 16, Section 577.015, Line 11, by deleting the letter "B" and adding in its place the letter "A".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

At the request of Senator Caskey, **SB 934**, **SB 546**, **SB 578**, **SB 579** and **SB 782**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 2** for **SA 3**, as amended (pending), were placed on the Informal Calendar.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1016**-By Jacob, Maxwell, Clay, Caskey, Stoll, Wiggins, DePasco, Howard and House.

An Act to amend chapter 144, RSMo, relating to sales and use tax by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year, with an emergency clause.

**SB 1017**-By Mathewson, Russell, Singleton, Bentley, Quick, DePasco, Childers, Sims, Westfall, Staples, Ehlmann, Howard, Jacob, Flotron, House, Johnson and Stoll.

An Act to repeal section 226.133, RSMo 1994, relating to bonding for transportation, and to enact in lieu thereof one new section relating to the same subject.

**REPORTS OF STANDING COMMITTEES**

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 765**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 836**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 877**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 573**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 951**--Education.

**SB 952**--Civil and Criminal Jurisprudence.

**SB 953**--Education.

**SB 954**--Agriculture, Conservation, Parks and Tourism.

**SB 955**--Aging, Families and Mental Health.

**SB 956**--Ways and Means.

**SB 957**--Public Health and Welfare.

**SB 958**--Commerce and Environment.

**SB 959**--Aging, Families and Mental Health.

**SB 960**--Agriculture, Conservation, Parks and Tourism.

**SB 961**--Education.

**SB 962**--Financial and Governmental Organi-zation.

**SB 963**--Commerce and Environment.

**SB 964**--Insurance and Housing.

**SB 965**--Ways and Means.

**SB 966**--Commerce and Environment.

**SB 967**--Commerce and Environment.

**SB 968**--Insurance and Housing.

**SB 969**--Transportation.

**SB 970**--Judiciary.

**SB 971**--Elections, Veterans' Affairs and Corrections.

**SB 972**--Aging, Families and Mental Health.

**SB 973**--Judiciary.

**SB 974**--Public Health and Welfare.

**SB 975**--Pensions and General Laws.

**SB 976**--Public Health and Welfare.

**SB 977**--Judiciary.

**SB 978**--Insurance and Housing.

**SB 979**--Civil and Criminal Jurisprudence.

**SB 980**--Civil and Criminal Jurisprudence.

**SB 981**--Education.

**SB 982**--Agriculture, Conservation, Parks and Tourism.

**SB 983**--Commerce and Environment.

**SB 984**--Insurance and Housing.

**SB 985**--Elections, Veterans' Affairs and Corrections.

**SB 986**--Public Health and Welfare.

**SB 987**--Education.

**SB 988**--Transportation.

**SB 989**--Education.

**SB 990**--Agriculture, Conservation, Parks and Tourism.

**SB 991**--Ways and Means.

**SB 992**--Ways and Means.

**SB 993**--Aging, Families and Mental Health.

**SB 994**--Financial and Governmental Organi-zation.

**SB 995**--Commerce and Environment.

**SB 996**--Civil and Criminal Jurisprudence.

**SB 997**--Civil and Criminal Jurisprudence.

**SB 998**--Local Government and Economic Development.

**SB 999**--Commerce and Environment.

**SB 1000**--Education.

**SJR 51**--Pensions and General Laws.

**SJR 54**--Education.

## **REFERRALS**

President Pro Tem Quick referred **SB 709**, with **SCA 1**, to the Committee on State Budget Control.

## **COMMUNICATIONS**

President Pro Tem Quick submitted the following:

February 14, 2000

Senator Joe Maxwell

State Capitol, Room 219

Jefferson City, MO 65101

Dear Senator Maxwell:

It is my pleasure to appoint you as a member and vice-chairman of the Senate Committee on Labor and Industrial Relations. You will replace Senator Lacy Clay.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

## **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Joseph Sander, Sikeston; Larry McDonnel, Seneca; Gary Gilgen and Cal Gunter, Noel; and Charles Harron, Bertrand.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

**TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 15, 2000**

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Gracious and Heavenly Father, we pray this day for Your presence with us and the work we have to do this day. And we would ask Your special presence with the family of former Senator John Dennis who died yesterday at the age of 82. Remember him in Your mercy and Your love, O Lord. Provide strength and comfort to his family with the memory of Your goodness. And may Your light shine on those here who knew Senator Dennis and will miss him. These things we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Mueller	Scott--2		
	Vacancies--1		

## RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1215, regarding Ann Schroepfel, Springfield, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 1216

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 5, 2000 and until 1:00 p.m. on October 6, 2000.

## INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 1018**-By Bentley.

An Act to authorize the conveyance of property owned by Southwest Missouri State University to the city of Springfield.

The Senate stood in a moment of silent prayer in memory of former Senator John Dennis.

## REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 743**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 743, Page 2, Section 135.095, Line 22, by striking "section 135.020" and inserting in lieu thereof the following: "**this section**".

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 816**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization sub-mitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent



Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 727**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 740**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### THIRD READING OF SENATE BILLS

**SB 810**, introduced by Senator Goode, entitled:

An Act to repeal section 208.480, RSMo Supp. 1999, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 810** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Singleton-- 1			
Absent--Senator Ehlmann-- 1			
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies-- 1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 616**, introduced by Senator Johnson, entitled:

An Act to repeal sections 70.605, 70.661, 70.680 and 70.685, RSMo 1994, and sections 70.655 and 70.675, RSMo Supp. 1999, relating to local government employees' retirement system, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 616** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Goode	House--2		
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 724**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 67.1003, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 724** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			

Bentley	Graves	Kinder	Schneider--4
	Absent with leave--Senators		
Mueller	Scott--2		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

**SB 734**, introduced by Senator Stoll, entitled:

An Act to repeal section 294.011, RSMo Supp. 1999, relating to the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 734** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators--None
	Absent--Senators
Bentley	Staples--2
	Absent with leave--Senators
Mueller	Scott--2
	Vacancies--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bentley

Goode

Schneider

Staples--4

Absent with leave--Senators

Mueller

Scott--2

Vacancies--1

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Quick moved that **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 3** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 3** to **SSA 1** for **SA 1** was again taken up.

At the request of Senator Childers, the above amendment was withdrawn.

Senator Childers offered **SA 4** to **SSA 1** for **SA 1**, which was read:

### SENATE AMENDMENT NO. 4 TO

### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 2, Section 18(f), Line 14, by deleting lines 14 through 23 and inserting in lieu thereof the following:

**"Section 18. (f). Three-fourths of all monies received by the State of Missouri which are the proceeds of any award or settlement resulting from a final order in any dispute between the State of Missouri and any company which manufacturers, sells, or promotes tobacco or tobacco products shall be permanently deposited into the Missouri Tobacco Settlement Trust Fund and shall not be included in "total state revenues" as defined in Section 17 of this Article. One-fourth the proceeds of such tobacco settlement and the income earned from the permanent trust fund derived from the tobacco proceeds received in any fiscal year shall be subject to appropriation by the General Assembly for the following purposes only:".**

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Rohrbach, Sims and Steelman.

Senator Mathewson assumed the Chair.

**SA 4** to **SSA 1** for **SA 1** failed of adoption by the following vote:

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YEAS--Senators

Bentley

Childers

Ehlmann

Jacob

Russell

Sims

Westfall--7

NAYS--Senators

Bland

Caskey

DePasco

Flotron

Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Schneider	Singleton	Steelman	Stoll
Wiggins	Yeckel--22		
	Absent--Senators		
Clay	Staples--2		
	Absent with leave--Senators		
Mueller	Scott--2		
	Vacancies--1		

Senator Jacob offered **SA 5** to **SSA 1** for **SA 1**:

#### SENATE AMENDMENT NO. 5 TO

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Section 18(f), Lines 5-6 of said page, by striking the following: "upon two-thirds vote of the members elected to each house,"; and further amend line 7 of said page, by inserting immediately after said line the following:

**"Notwithstanding any other provisions of law to the contrary, nothing in this section shall prohibit the general assembly from authorizing the sale of future interest in any settlement proceeds for current valuation. In the event of such authorization, the state treasurer may invest any resulting proceeds as they determine to be reasonably prudent. Subject to the percentages set forth in this section, the general assembly may further limit the appropriation of the moneys in the fund to the earnings resulting from such investment."**

Senator Jacob moved that the above amendment be adopted.

Senator Clay assumed the Chair.

At the request of Senator Quick, **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 5** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

#### RESOLUTIONS

Senator Goode offered Senate Resolution No. 1217, regarding the One Hundredth Birthday of Reverend Willie McClain, St. Louis, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

#### SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 867** and **SB 552**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 867** and **552**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 867** and **552** be adopted.

Senator Mathewson requested unanimous consent of the Senate that the Committee on Local Government and Economic Development be allowed to meet while the Senate is in session, which request was granted.

Senator Maxwell offered **SS** for **SCS** for **SBs 867** and **552**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof three new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SCS** for **SBs 867** and **552** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 18, Section 135.516, Line 17 of said page, by inserting after all of said line the following:

**"620.1730. Sections 620.1730 to 620.1787 shall be known and cited as the "Missouri Business and Industrial Development Companies Act" or "Missouri BIDCO Act".**

**620.1733. As used in sections 620.1730 to 620.1787, the following terms mean:**

**(1) "Affiliate of a BIDCO":**

**(a) Any person, directly or indirectly owning, controlling or holding power to vote fifteen percent or more of the outstanding voting securities or other ownership interests of the Missouri business and industrial development company;**

**(b) Any person fifteen percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled, or held with power to vote by the Missouri business and industrial development company;**

**(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri business and industrial development company;**

**(d) A partnership in which the Missouri business and industrial development company is a general partner;**

**(e) Any person who is an officer, director, or agent of the Missouri business and industrial development company or an immediate family member of such officer, director, or agent;**

- (2) "BIDCO", a business and industrial development company licensed under this act;**
- (3) "Business firm", a person that transacts business on a regular and continual basis, or a person that proposes to transact business on a regular and continual basis;**
- (4) "Department", the Missouri department of economic development;**
- (5) "Director", the director of the department of economic development or a person acting under the supervision of the director;**
- (6) "Entity", a general partnership, a limited partnership, a corporation, including a not-for-profit corporation, or limited liability company;**
- (7) "License", a license issued under this act authorizing a Missouri entity to transact business as a BIDCO;**
- (8) "Licensee", a Missouri entity which is licensed under this act;**
- (9) "Person", an individual, proprietorship, joint venture, partnership, limited liability company, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization;**
- (10) "This act", includes an order issued or rules promulgated under this act.**

**620.1736. 1. The director shall administer this act. The director may issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce, and effectuate the purposes of this act. Any rules promulgated shall be promulgated in accordance with the administrative procedure and review act contained in chapter 536, RSMo.**

**2. Whenever the director issues an order or license under this act, the director may impose conditions that are necessary, in the opinion of the director, to carry out this act and the purposes of this act.**

**3. The director may honor applications from interested persons for declaratory rulings regarding any provision of this act.**

**4. Every final order, decision, license, or other official act of the director under this act is subject to judicial review in accordance with law.**

**5. An application filed with the director under this act shall be in such a form and contain such information as the director may require.**

**620.1739. 1. The director may make public or private investigations within or outside this state that the director considers necessary to determine whether to approve an application filed with the director under this act, to determine whether a person has violated or is about to violate this act, to aid in the enforcement of this act, or to aid in issuing an order or promulgating a rule under this act.**

**2. For purposes of an investigation, examination, or other proceeding under this act, the director may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records which the director considers relevant or material to the proceeding.**

**3. If a person fails to comply with a subpoena issued by the director or to testify with respect to a matter concerning which the person may be lawfully questioned, the circuit court for Cole County, on application of the director, may issue an order requiring the attendance of the person and the giving of testimony or production of evidence.**

**4. Service of process authorized to be made by the director in connection with a noncriminal proceeding under this act may be made by registered or certified mail.**

**620.1742. 1. The director may establish annually a schedule of fees sufficient to pay for the department's costs of administering the Missouri BIDCO act. The fees may be charged for:**

- (1) For filing an application for a licensee;**
- (2) For filing an application for approval to acquire control of a licensee;**
- (3) For filing an application for approval for a licensee to merge with another Missouri entity, an application for approval for a licensee to purchase all or substantially all of the business of another person, or an application for approval for a licensee to sell all or substantially all of its business or of the business of any of its offices to another licensee;**
- (4) For annual license renewal; and**
- (5) For examination of the licensee.**

**2. A fee for filing an application with the director is nonrefundable and is to be paid at the time the application is filed with the director.**

**3. If any fees or penalties provided for in this act are not paid when required, the attorney general may maintain an action against the delinquent licensee to recover the fees or penalties, together with interest and costs.**

**4. A licensee or an affiliate or subsidiary of a licensee that fails to submit a report as required in the Missouri BIDCO act is subject to a penalty of twenty-five dollars for each day the report is delinquent or one thousand dollars, whichever is less.**

**5. Money collected under this section shall be paid into the state treasury to the credit of the department and used only for the operation of the department.**

**620.1745. 1. A licensee shall make and keep books, accounts, and other records in a form and manner as the director may require. These records shall be kept at a place and shall be preserved for a length of time as the director may require.**

**2. The director may require by order that a licensee write down any asset on its books and records to a valuation which represents its then value.**

**3. Not more than one hundred twenty days after the close of each calendar year or a longer period if specified by the director, a licensee shall file with the director an audit report containing all of the following:**

- (1) Financial statements, including balance sheet, statement of income or loss, statement of change in capital accounts, and statement of changes in financial position or, for a licensee that is a Missouri nonprofit corporation, comparable financial statements for, or as of the end of, the calendar year, prepared with an audit by an independent certified public accountant or an independent public accountant in accordance with generally accepted accounting principles;**
- (2) A report, certificate, or opinion of the independent certified public accountant or independent public accountant who performs the audit, stating that the financial statements were prepared in accordance with generally accepted accounting principles; and**
- (3) Other information that the director may reasonably require.**

**4. If a person other than a licensee makes or keeps the books, accounts, or other records of that licensee, this act**



applies to that person with respect to the performance of those services and with respect to those books, accounts, and other records to the same extent as if that person were the licensee.

5. If a person other than an affiliate or subsidiary of a licensee makes or keeps any of the books, accounts, or other records of that affiliate or subsidiary, this section applies to that person with respect to those books, accounts, and other records to the same extent as if that person were the affiliate or subsidiary.

6. If the director considers it expedient, the director may require any particular licensee to obtain the approval of the director before permitting another person to make or keep any of the books, accounts, or other records of the licensee.

620.1748. Each licensee, each affiliate of a licensee, and each subsidiary of a licensee shall file with the director such reports as and when the director may require. A report under this section shall be in such a form and shall contain such information as the director may require.

620.1751. 1. After a review of information regarding the directors, officers, partners, managers, and controlling persons of the applicant, a review of the applicant's business plan, including at least three years of detailed financial projections and other relevant information, and a review of additional information considered relevant by the director, the director shall approve an application for a license if, and only if, the director determines all of the following:

(1) The applicant has a net worth, or firm financing commitments which demonstrate that the applicant will have a net worth when the applicant begins transacting business as a BIDCO, in liquid form available to provide financing assistance, that is adequate for the applicant to transact business as a BIDCO as determined under this section;

(2) Each director, officer, partner, manager, and controlling person of the applicant is of good character and sound financial standing, is competent to perform his or her functions with respect to the applicant, and that the directors, officers, partners, and managers of the applicant are collectively adequate to manage the business of the applicant as a BIDCO;

(3) It is reasonable to believe that the applicant, if licensed, will comply with this act; and

(4) The applicant has reasonable promise of being a viable, ongoing BIDCO and of satisfying the basic objectives of its business plan.

2. In determining if the applicant has a net worth or firm financing commitments adequate to transact business as a BIDCO, the director shall consider the types and variety of financing assistance that the applicant plans to provide, the experience that the directors, officers, partners, managers, and controlling persons of the applicant have in providing financing and managerial assistance to business firms, the financial projections and other relevant information from the applicant's business plan, and whether the applicant intends to operate as a profit or nonprofit corporation. Except as otherwise provided in this act, the director shall require a minimum net worth of one million dollars.

620.1754. If the director denies an application under sections 620.1730 to 620.1787, the director shall provide the applicant with a written statement explaining the basis for the denial.

620.1757. If an application for a license is approved and all conditions precedent to the issuance of that license are fulfilled, the director shall issue a license to the applicant. A licensee shall post the license in a conspicuous place in the licensee's principal office. A license is not transferable or assignable without the permission of the director.

620.1760. 1. Except as otherwise provided in subsection 2 of this section, a person transacting business in this state, other than a licensee, shall not use a name or title which indicates that the person is a business and industrial development company including, but not limited to, use of the term "BIDCO", and shall not

otherwise represent that the person is a business and industrial development company or a licensee.

2. Before being issued a license under this act, a Missouri entity that proposes to apply for a license or that applies for a license may perform, under a name that indicates that the entity is a business and industrial development entity, the acts necessary to apply for and obtain a license and to otherwise prepare to commence transacting business as a licensee. Such an entity shall not represent that it is a licensee until after the license has been obtained.

3. A licensee shall not misrepresent the meaning or effect of its license.

4. The name of each licensee shall include the word "BIDCO". A licensee shall not transact business under any other name.

620.1763. 1. After complying with subsection 2 a licensee may apply to the director to have the director accept the surrender of the licensee's license. If the director determines that the requirements of this section have been satisfied, the director shall approve the application unless in the opinion of the director the purpose of the application is to evade a current or prospective action by the director.

2. Not less than sixty days before filing an application with the director under subsection 1, a licensee shall notify all of its creditors of its intention to file the application.

620.1766. 1. Each corporate licensee shall have at least three members of its board of directors, each general partnership licensee shall have at least three general partners, each limited partnership shall have at least three general partners or a corporate general partner that has at least three directors and each limited liability company licensee shall have at least three managers.

2. The managers of each licensee described in subsection 1 of this section shall hold a meeting not less than once each calendar quarter.

3. Within thirty days after the death, resignation, or removal of a director, officer, partner, or manager, the election of a director or manager or the appointment of an officer, or the admission of a partner, the licensee shall notify the director in writing of the event and shall provide any additional information which the director may require.

620.1769. 1. A licensee shall maintain not less than one office in this state.

2. A licensee shall post in a conspicuous place at each of its offices a sign which bears the corporate name of the licensee.

3. Upon written notice to the director, a licensee may establish, relocate, or close an office.

620.1772. 1. The business of a licensee shall be to provide financing assistance and management assistance to business firms. A licensee shall not engage in a business other than providing financing assistance and management assistance to business firms.

2. The powers of a licensee include, but are not limited to, all of the following:

(1) To borrow money and otherwise incur indebtedness for its purposes, including issuance of corporate bonds, debentures, notes, or other evidence of indebtedness. A licensee's in-debtedness may be secured or unsecured, and may involve equity features including, but not limited to, provisions for conversion to stock and warrants to purchase stock;

(2) To make contracts;

(3) To incur and pay necessary and incidental operating expenses;

**(4) To purchase, receive, hold, lease, or otherwise acquire, or to sell, convey, mortgage, lease, pledge, or otherwise dispose of, real or personal property, together with rights and privileges that are incidental and appurtenant to these transactions of real or personal property, if the real or personal property is for the licensee's use in operating its business or if the real or personal property is acquired by the licensee from time to time in satisfaction of debts or enforcement of obligations;**

**(5) To make donations for charitable, educational, research, or similar purposes;**

**(6) To implement a reasonable and prudent policy for conserving and investing its money before the money is used to provide financing assistance to business firms or so pay the expenses of the licensee; and**

**(7) To lend money upon such terms and conditions as it deems reasonable.**

**620.1775. 1. A licensee may determine the form and the terms and conditions for financing assistance provided by that licensee to a business firm including, but not limited to, forms such as loans; purchase of debt instruments; straight equity investments such as purchase of common stock, preferred stock, or membership interests, debt with equity features such as warrants to purchase stock or membership interests, convertible debentures, or receipt of a percent at net income or sales royalty based financing; guaranteeing of debt; or leasing of property. A licensee may purchase securities and membership interests of a business firm either directly or indirectly through an underwriter. A licensee may participate in the program of the small business administration pursuant to section 7(a) of the Small Business Act, Public Law 85:536, 15 U.S.C. 636(a), or any other government program for which the licensee is eligible and which has as its function the provision or facilitation of financing assistance or management assistance to business firms. If a licensee participates in a program referred to in this subsection, the license shall comply with the requirements of that program.**

**2. Management assistance provided by a licensee to a business firm may encompass both management or technical advice and management or technical services.**

**3. Financing assistance or management assistance provided by a licensee to a business firm shall be for the business purposes of that business firm.**

**4. A licensee may exercise the incidental powers that are necessary or convenient to carry on the business of, or are reasonably related to the business of, providing financing assistance and management assistance to business firms.**

**620.1778. 1. A licensee shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition.**

**2. In determining whether a licensee is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the director shall not consider the risk of a provision of financing assistance to a business firm, unless the director determines that the risk is so great compared with the realistically expected return as to demonstrate gross mismanagement.**

**3. Subsection 2 of this section authorizes but does not limit the authority of the director to do any of the following:**

**(1) Determine that a licensee's financing assistance to a single business firm or a group of affiliated business firms is in violation of subsection 1 of this section or constitutes an unsafe or unsound act, if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholders equity of the licensee;**

**(2) Require that a licensee maintain a reserve in the amount of anticipated losses; and**

**(3) Require that a licensee have in effect a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The director shall not require that a licensee adopt a financing assistance policy that contains standards which prevent the licensee from exercising needed flexibility**

in evaluating and structuring financing assistance to business firms on a deal by deal basis.

**620.1781. 1.** Without the prior approval of the director, a person shall not acquire control of a licensee.

**2.** With respect to an application for approval to acquire control of a licensee, if the director determines, that the applicant and the directors, officers, and managers of the applicant are of good character and sound financial standing, that it is reasonable to believe that, if the applicant acquires control of the licensee, the applicant will comply with this act, and that the applicant's plans, if any, to make a major change in the business, corporate structure, or management of the licensee are not detrimental to the safety and soundness of the licensee, the director shall approve the application. If, after notice and a hearing, the director determines otherwise, the director shall deny the application.

**3.** For purposes of this section, the director may determine any of the following:

**(1)** That an applicant or a director, officer, or manager of an applicant is not of good character if that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty;

**(2)** That an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee if the plan provides for a person to become a director, officer, or manager of the licensee and that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty; and

**(3)** The conditions described in subsection 3 of this section are not the only conditions upon which the commissioner may determine that an applicant or a director, officer, or manager of an applicant is not of good character or that an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee.

**620.1784. 1.** A licensee shall not merge with another entity:

**(1)** If the licensee is the surviving entity, the merger is approved by the director; or

**(2)** If the licensee is a disappearing entity, the surviving entity is a licensee and the merger is approved by the director.

**2.** A licensee shall not purchase all or substantially all of the business of another person unless the purchase is approved by the director.

**3.** A licensee shall not sell all or substantially all of its business or of the business of any of its offices to another person unless that other person is a licensee and the sale is approved by the director.

**4.** The director shall approve an application for approval of a merger, purchase, or sale, if, and only if, the director determines all of the following:

**(1)** That the merger, purchase, or sale will be safe and sound with respect to the acquiring licensee;

**(2)** That, upon consummation of the merger, purchase, or sale, it is reasonable to believe that the acquiring licensee will comply with this act; and

**(3)** That the merger, purchase, or sale will not have a major detrimental impact on competition in the providing of financial assistance or management assistance to business firms, or if there will be such a detrimental impact, that the merger, purchase, or sale is necessary in the interests of the safety and soundness of any of the parties to the merger, purchase, or sale, or is otherwise, on balance, in the public interest.

**620.1787. 1.** If in the opinion of the director, a person violates, or there is reasonable cause to believe that a person is about to violate this act, the director may bring an action in the name of the people of this state in a

circuit court to enjoin the violation or to enforce compliance with this act. Upon a proper showing, a restraining order, preliminary or permanent injunction, or writ of mandamus shall be granted, and a receiver or a conservator may be appointed for the defendant or the defendant's assets. The court shall not require the director to post a bond in an action brought under this act.

**2. A person having custody of any of the books, accounts, or other records of a licensee shall not willfully refuse to allow the director, upon request, to inspect or make copies of any of those books, accounts, or other records.";** and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 7, Section 135.500, Lines 19 and 20, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Sims offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 18, Section 135.516, Line 17, by inserting after all of said line the following:

**"135.955. 1. As used in this section, the following terms mean:**

**(1) "Business component", any product, process, computer software, technique, formula, or invention which is to be held for sale, lease, or license, or used by the taxpayer in a trade or business of the taxpayer. Any plant process, machinery, or technique for commercial production of a business component shall be treated as a separate business component and not as part of the business component being produced;**

**(2) "Contract research expenses", sixty-five percent of any amount paid or incurred by a taxpayer to any person other than an employee of the taxpayer for qualified research. Contract research expenses which are paid or incurred during a tax year, but are attributable to qualified research to be conducted after the close of such tax year, shall be treated as paid or incurred during the tax year in which the qualified research is conducted;**

**(3) "Department", the department of economic development;**

**(4) "Director", the director of the department of economic development;**

**(5) "Distressed community", as defined in section 135.530;**

**(6) "Eligible taxpayer", a taxpayer who employs no more than one hundred fifty employees and who is engaged in a for-profit basis development of medical instruments and devices, medical diagnostic or therapeutic devices, plant science products, pharmaceutical or veterinary products with agricultural applications, or other products derived from life or biomedical sciences;**

**(7) "In-house research expenses", any wages paid or incurred to an employee for qualified services performed**

by such employee, any amount paid or incurred for equipment and supplies used in the conduct of qualified research, and any amount paid or incurred to another person for the right to use computers in the conduct of qualified research. The phrase excludes any amount to the extent that the taxpayer receives or accrues any amount from any other person for the right to use substantially identical personal property;

(8) "Qualified research", any research which is undertaken for the purpose of discovering information which is technological in nature, the application of which is intended to be useful in the development of a new or improved business component of the taxpayer and substantially all of the activities of which constitute elements of a process of experimentation for a new or improved function, performance or reliability or quality. Qualified research shall not include any research related to style, taste, cosmetic, or seasonal design factors; any research conducted after the beginning of commercial production of the business component; any research related to the adaptation of an existing business component to a particular customer's requirement or need; any research related to the reproduction of an existing business component in whole or in part from a physical examination of the business component itself or from plans, blueprints, detailed specifications, or publicly available information with respect to such business component; any efficiency survey, activity relating to management function or technique, market research, testing, or development, including advertising or promotions, routine data collection, or routine or ordinary testing or inspection for quality control; any research in the social sciences, arts, or humanities; any research to the extent funded by any grant, contract, or otherwise by another person or governmental entity; and except to the extent provided in state regulations, any research with respect to computer software which is developed by or for the benefit of the taxpayer primarily for internal use by the taxpayer, other than for use in an activity which constitutes qualified research pursuant to this subdivision, or a production process with respect to which constitutes qualified research. A given business component of the taxpayer shall not qualify for a tax credit pursuant to this section unless such business component constitutes qualified research as defined in this subdivision;

(9) "Qualified research expenses", the sum of the amounts of in-house research expenses and contract research expenses which are paid or incurred by the taxpayer during the taxable year for qualified research taking place in the state of Missouri in carrying on any trade or business of the taxpayer; except that, a taxpayer shall also be treated as meeting the trade or business requirement if, at the time such in-house research expenses are paid or incurred, the principal purpose of the taxpayer in making such expenditures is to use the results of the research in the active conduct of a future trade or business of the taxpayer;

(10) "Qualified services", services consisting of engaging in qualified research, or engaging in the direct supervision or direct support of research activities which constitute qualified research; except that, if substantially all of the services performed by an individual for the taxpayer during the tax year consist of services as defined in this subdivision, such phrase shall include all of the services performed by such individual for the taxpayer during the tax year;

(11) "Supplies", any tangible property other than land or improvements to land, and property of a character subject to the allowance for depreciation;

(12) "Tax liability", the tax due pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo;

(13) "Taxpayer", any person, partnership, corporation, trust or limited liability company;

(14) "Wages", all remuneration, payable or paid, for personal services, including commissions and bonuses and the cash value of all remuneration paid in any medium other than cash.

2. An eligible taxpayer who incurs qualified research expenses shall, upon application and issuance of a certificate of tax credit, be entitled to receive a credit against such taxpayer's tax liability in an amount equal to ten percent of such taxpayer's qualified research expenses or, in the case of qualified research expenses in a distressed community, in an amount equal to twenty-five percent of such taxpayer's qualified research expenses. The total amount of tax credits available pursuant to this section shall not exceed five million dollars, and at least one million dollars of the amount authorized by this section shall be reserved for taxpayers

incurring qualified research expenses in a distressed community. The maximum credit allowed a taxpayer for research expenses pursuant to this section shall be five hundred thousand dollars or, in the case of qualified research expenses in a distressed community, one million two hundred fifty thousand dollars.

3. To obtain a tax credit pursuant to this section, a taxpayer shall submit an application to the department of economic development in a form approved by the director. Upon satisfaction that the taxpayer meets all requirements of this section, the director shall issue the taxpayer a certificate of tax credit in an appropriate amount and shall certify the amount of such credit to the department of revenue. Tax credit allowed pursuant to this section shall be issued in the order applications therefor are received. The department of economic development is authorized to promulgate any rules deemed necessary to implement this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The tax credit shall be claimed on such taxpayer's tax return for the tax year in which the qualified research expenses are incurred and any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried forward to any of the taxpayer's ten subsequent tax years, and for tax credits for qualified research expenses in a distressed community, the credit may also be carried back to any of the taxpayer's three prior tax years. Any taxpayer claiming a credit pursuant to this section shall file a copy of such taxpayer's certificate of tax credit with such taxpayer's tax return. The department of revenue shall apply tax credits against a taxpayer's tax liability pursuant to subsection 1 of section 32.115, RSMo. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

5. If a taxpayer receiving a tax credit pursuant to this section transfers the conduct of qualified research to a location outside of Missouri within three years after receipt of such tax credit, such tax credit, or the share of such tax credit which was granted with respect to the transferred qualified research, shall be revoked, and the taxpayer shall repay any amount of the tax credit already applied against the investor's state tax liability."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator House offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 1, In the Title, Line 4, by striking the words "administered by the department of economic development"; and

Further amend said bill, Page 18, Section 135.516, Line 17, by inserting after all of said line the following:

**"135.630. 1. As used in this section, the following terms shall mean:**

**(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**

**(2) "Director", the director of the department of social services;**

**(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

**(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing**

business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;

(5) "Unplanned pregnancy resource center", a nonresidential facility:

- (a) Located in this state and established and operating for the purpose of providing assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
- (b) Where childbirths are not performed and little or no birth control services are provided; and
- (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and
- (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
- (e) Which provides most of its services at no cost; and
- (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

In cases where two or more unplanned pregnancy resource centers are controlled by the same corporate entity and more than one-half of the annual income of each such center is derived from common fund-raising efforts which benefit all such centers controlled by the same corporate entity, the director shall make one equal apportionment to the corporate entity and not separate equal apportionments to each facility classified as an unplanned pregnancy resource center and controlled by the same corporate entity. However, for purposes of informing taxpayers of which facilities have been classified as unplanned pregnancy resource centers pursuant to subsection 6 of this section, the director may list separately each unplanned pregnancy resource center controlled by the same corporate entity.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.



**6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.**

**7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**

**8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.**

**9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000.";**  
and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 4** is out of order as it exceeds the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 4** was again taken up.

Senator House moved that the above amendment be adopted.

Senator Maxwell offered **SA 1** to **SA 4**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 2, Section 135.630, Line 23 following the word "and", by inserting "["; and further amend said bill, Page 2, Section 135.630, line 23, by inserting "]" following the word "no".

Senator Maxwell moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Maxwell, **SB 867** and **SB 552**, with **SCS**, **SS** for **SCS**, **SA 4** and **SA 1** to **SA 4** (pending), were placed on the Informal Calendar.

Senator Staples moved that **SB 610** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

**"3. Every person who desires to operate or ride as a passenger on any motorcycle or motortricycle without protective headgear shall file with the director of revenue a security bond or medical insurance policy in the amount of one hundred thousand dollars which shall cover the operator's or rider's medical expenses.";** and

Further amend said section, by renumber the remaining subsection accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

**"3. Each person must furnish proof of financial responsibility to the director of revenue that he or she has in effect a motor vehicle liability policy subject to the minimum limits outlined in section 303.190, RSMo.";** and

Further amend said section, by renumber the remaining subsection accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

**"3. Every person who rides a motorcycle or motortricycle shall be required to submit to a breathalyzer test prior to any ride on which he is responsible for operation of said vehicle.".**

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Staples, **SB 610**, with **SA 3** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1114**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

R. Mark Alexander, 645 Mollie, Marshfield, Webster County, Missouri 65706, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ray D. Jagger, Democrat, Route 5, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carolyn A. Landry, Democrat, 2725 Stonewall Station, St. Charles, St. Charles County, Missouri 63303, as a member of the Missouri Women's Council, for a term ending December 6, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacqueline McKinsey, Republican, 2802 South Natural Bridge, Springfield, Greene County, Missouri 65809, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael C. Phillips, 5408 Dalcross Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2005, and until his successor is duly appointed and qualified; vice, Greg Weaver, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David A. Rice, 2222 Concordia Drive, Columbia, Boone County, Missouri 65203, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, Katherine A Frazier, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kevin W. Snedden, 16311 Ox Bow, Kearney, Clay County, Missouri 64060, as a member of the Missouri Board of Therapeutic Massage, for a term ending June 17, 2002, and until his successor is duly appointed and qualified; vice, Cheryl A. Robinson, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wildie L. Webster, Republican, #17 Goode Drive, Fenton, St. Louis County, Missouri 63026, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **RESOLUTIONS**

Senator Stoll offered Senate Resolution No. 1218, regarding Zachary Polette, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1219, regarding Tyler Norrick, Festus, which was adopted.

Senator Childers offered Senate Resolution No. 1220, regarding Mackenzie Sweeney, Souder, which was adopted.

Senator Childers offered Senate Resolution No. 1221, regarding Krystal DeGreve, Billings, which was adopted.

### **COMMUNICATIONS**

President Pro Tem Quick submitted the following:

February 15, 2000

The Honorable Joe Maxwell

Missouri Senate

State Capitol, Room 219

Jefferson City, MO 65101

Dear Senator Maxwell:

Per your request of February 9, 2000 asking to be removed from one of your committees due to a scheduling conflict, I am removing you from the Senate Judiciary Committee.

If you have any questions, please contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Also,

February 15, 2000

The Honorable William L. "Lacy" Clay, Jr.

Missouri Senate

State Capitol, Room 221

Jefferson City, MO 65101

Dear Senator Clay:

It is my pleasure to appoint you to serve as a member and vice-chairman of the Senate Committee on Civil and Criminal Jurisprudence to fill the vacancy created by the resignation of Senator J. B. "Jet" Banks.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Edward E. Quick

Edward E. Quick

President Pro Tem

## **INTRODUCTIONS OF GUESTS**

Senator Yeckel introduced to the Senate, the Physician of the Day, Dr. Steve Granberg, M.D., St. Louis.

Senator Stoll introduced to the Senate, his wife, Kathy, Festus.

On behalf of Senator Singleton and herself, Senator Bentley introduced to the Senate, Thelma and Bud Neff, Springfield.

Senator Howard introduced to the Senate, Rosemary Grey, Sikeston; Sherry Morris, Bernie; Rosemary McBride, Poplar Bluff; and Calvin Lee, Piedmont.

Senator Flotron introduced to the Senate, ninety fourth grade students from Bridgeway Elementary School, Bridgeton; and Kelli Sims, Justin Payne and Kelly Schlattman were made honorary pages.

Senator Bland introduced to the Senate, Marcia Pitts, Cindy Thompson, Carla Bergstrom, Sue Blew and Charles Smith, Kansas City.

On behalf of Senator Quick and himself, Senator Johnson introduced to the Senate, Janet Leachman, Platte City; Kay Schaefer, Pam Payne, Craig Van Bebber, Todd Beeck, Sharon Kavanaugh, Sandy Ruppert and Elizabeth Cousner, Kansas City; Kathy Bray and Bev Vogt, Parkville; and Sandy Van Wagner, Smithville.

Senator Staples introduced to the Senate, members of the Farm Bureau.

Senator Rohrbach introduced to the Senate, Bill Hunter, Versailles; and Cletus Koerner, Barnett.

Senator Russell introduced to the Senate, Tom and Debbie Carnes, Richland.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 16, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Philippians 4:4: "Rejoice in the Lord always, and again I say, Rejoice."

Gracious God, we hear we are to "Rejoice in You," that our lives are to be one of planned joy. So we are to rejoice because the most rapturous moments of our life still lie ahead of us. We know we will confront thorns and difficulties but we also know that we will have times when Your light shines through to us. We know that You have promised to be with us always even to the ends of the earth and therefore Your presence is a pleasure to us forevermore; it is something we can plan to enjoy forevermore. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV, the Columbia Missourian, KYTV-3 and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

Senator Wiggins assumed the Chair.

## RESOLUTIONS

Senator Russell offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1222

WHEREAS, the members of the Missouri Senate always enjoy acknowledging those high school teams that have proven themselves to be top contenders in statewide athletic competition which assists in the development of healthy bodies and sound minds and which helps prepare young citizens for the challenges of both today and tomorrow; and

WHEREAS, the Camdenton High School Lakers 4A football team performed admirably all season long in the best traditions of the school which enjoys a fine reputation for ensuring its student athletes are well trained, superbly coached, and highly motivated; and

WHEREAS, in a truly impressive and heart-felt athletic endeavor, the Lakers captured their fourth State Championship Title during a 15 to 14 victory over Helias High School at the TWA Dome on November 27, 1999; and

WHEREAS, in addition to their status as the 1999 4A State Football Champions, the Lakers enjoyed an exceptional 14-0 undefeated season; and

WHEREAS, the Lakers Head Coach Bob Shore is distinguished with an exemplary 269-67-3 overall-all record during a twenty-five-year-long tenure as head coach at Camdenton; and

WHEREAS, admirably coached by Bob Shore with assistance from Mike Silverwood, Jim Pirch, Joe Borghardt, Lance Foulk, and Jeff Shore, the Lakers' season-long achievements utilized varsity and junior varsity contributions from Jay Jones, Ryan McGuire, Bobby Mooney, Mark Blair, Matt Brock, Ryan Brodecker, Travis Faulconer, Brian Summer, Jay Webb, J.J. Madison, Steve Miller, Bryce Spradling, Jeremy Brodecker, Tom Scott, Robby Alexander, Barrett Dickemann, Coby Emry, Luke McDowell, Roger Kure, David Ginnings, Ryan Talbott, J.R. Skola, Cole Glascock, Greg Webster, Nick Bruck, Cliff Bruck, Kyle Geiger, Zachary Boyd, Aaron Dickemann, Derik Osborn, Blake Skola, Dan McKay, Jeff Weaver, Brett Edison, Jimmy Boulware, Kyle Arnold, Jason Nogar, KenGene McGuire, Phil Doner, Brock Ezard, Jack Wilson, Eric Oshel, Ryan Calvino, Brandon Vogeler, Craig Horrigths, Brian Loeb, David Coffey, Ryan Bearden, Chris Hyde, Dustin Cartwright, Kyle Clark, Robin Smith, Aaron Burns, Mason Roam, Darryll Euler, Josh Hull, Aaron Strohkirch, Willie Burns, Ryan Hamilton, Tom Hughes, and R.J. Hayes:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the impressive achievements of the Camdenton Lakers football team as it rightfully claimed a First Place standing at the Class 4A Missouri State High School Activities Association Football Championships; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the 1999 State Champion Camdenton High School Lakers football team.

Senator Sims offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1223

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2000, the American Legion Auxiliary, Department of Missouri, is conducting the Fifty-ninth annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, hereby grant the adult leaders and participants of the Fifty-ninth Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on June 27, 2000.

#### CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, the United States of America observes a "Mother's Day", a "Father's Day" and a "Grandparents Day"; and

WHEREAS, these special observances are also recognized each year in the great State of Missouri; and

WHEREAS, children, education, "Drug Free" programs and many other legislative programs designated for the benefit of children and teens are a priority for the members of this General Assembly and all Missourians; and

WHEREAS, many issues confronting young people today are a direct result of children not receiving enough affirmation, personal attention and quality time from adults and organizations; and

WHEREAS, September is a month now remembered by many for the lives and work and service on behalf of children of Mother Teresa and Princess Diana; and

WHEREAS, it is also the month many of our children return to school; a month in which organizations recognize children for growing older and passing into a higher instruction period of their lives; and

WHEREAS, it is fitting that we pause in our deliberations to designate a day in honor of our children:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unani-mously in honoring the children of Missouri, by designating each third Saturday in September as "Children's Day" in Missouri; and

BE IT FURTHER RESOLVED, that Children's Day celebrations may vary with families, schools, churches, synagogues and other organizations, but affirming children and youth and quality time spent with children and youth should be an important part of "Children's Day".

BE IT FURTHER RESOLVED, that in designating this day in honor of our youth, we also strongly encourage other states, our country and other countries to designate the third Saturday in September as "Children's Day"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to the Governor.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1019**-By Rohrbach.

An Act to repeal sections 375.1168, 375.1176 and 375.1182, RSMo 1994, relating to rehabilitation and liquidation of insurers, and to enact in lieu thereof three new sections relating to the same subject.

**SB 1020**-By Bentley.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Payne Stewart Highway.

## **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 1114**--Appropriations.

Senator Johnson assumed the Chair.

## **SENATE BILLS FOR PERFECTION**

Senator Quick moved that **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 5** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 5** to **SSA 1** for **SA 1** was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 6** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 6 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, Line 12, by inserting after all of said line the following: "And further amend said resolution, page 2, lines 12-13, by striking the following: "upon two-thirds vote of the members elected to each house,"; and further amend said amendment and page, line 15, by inserting after all of said line the following: "And further amend said resolution, page 2, line 14, by inserting after said line the following:

**"4. Notwithstanding any other provisions of law to the contrary, nothing in this section shall prohibit the general assembly from authorizing the sale of future interest in any settlement proceeds for current valuation. In the event of such authorization, the state treasurer may invest any resulting proceeds as the treasurer determines to be reasonably prudent and as determined by law. Subject to the percentages set forth in this section, the general assembly may further limit the appropriation of the moneys in the fund to the earnings resulting from such investment." "**

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 7** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 7 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 2, Section 18(f), Line 20, by inserting after the word "article." the following: **"Any refund made pursuant to this Article shall be funded by a proportionate amount from the Tobacco Settlement Trust Fund."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 8** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 8 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, by inserting at the beginning of the amendment the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, in the Preamble, by deleting lines 1 through 4 in their entirety and inserting in lieu thereof the following: "that at the primary election day in August 2000, there is hereby submitted to the qualified voters"; and

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 9** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 9 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Section 18(f), Subsection 3, Lines 3-7 of said amendment, by striking all of said lines and inserting in lieu thereof the following:

**"(3) 20 percent to fund programs or activities designed to provide assistance for persons age sixty-five or over for the purpose of meeting the costs of purchasing prescription drugs.";** and

Further amend said amendment, Page 3, Section D, Lines 15-16 of said amendment, by striking the following: **"20 percent to address state emergencies, natural disasters and program deficits?"** and inserting in lieu thereof the following: **"20 percent to provide pre-scription medication to the elderly."**

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Childers, Jacob, Westfall and Wiggins.

Senator Johnson assumed the Chair.

**SA 9** to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bland	Ehlmann	Jacob	Kenney
Kinder	Rohrbach	Russell	Sims
Stelman	Westfall--10		
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Klarich	Mathewson
Maxwell	Quick	Schneider	Singleton
Staples	Stoll	Wiggins--19	
Absent--Senators			
Clay	Yeckel--2		
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

Senator Ehlmann offered **SA 10** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 10 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, Line 14, by adding an "s" to the word "word" in that line and adding after the word "budget" the word "deficit" and deleting on lines 14 and 15, the words "and inserting in lieu

thereof the word "program." "; and

Further amend page 2, line 6, by adding an "s" to the word "word" in that line and adding after the word "budget" the word "deficit" and deleting on lines 6 and 7 the words "and inserting in lieu thereof the word "program";" further amend page 3, line 7, by deleting the words "or program deficit".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 11** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 11 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Line 7 of said amendment, by inserting after "deficit." the following: **"Moneys allocated in this section any fiscal year shall be used to supplement and shall not supplant the amounts appropriated for these purposes for fiscal year 2001."**.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Jacob, Sims and Steelman.

Senator Mathewson assumed the Chair.

**SA 11** to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Graves
Kenney	Kinder	Sims	Singleton
Stelman	Westfall-- 10		
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Flotron	Goode	House	Howard
Jacob	Johnson	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Stoll	Wiggins-- 18		
Absent--Senators			
Schneider	Staples	Yeckel-- 3	
Absent with leave--Senators			
Mueller	Scott-- 2		
Vacancies-- 1			

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 12** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 12 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Line 7 of said amendment, by inserting after "deficit." the following: **"Any patent granted to any entity receiving moneys from the Missouri tobacco settlement trust fund shall become the property of the state of Missouri. No entity shall be eligible to receive moneys from the fund without first entering into a written agreement with the state that the entity shall apply for any available patent for the benefit of the state."**.

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Klarich offered **SA 13** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 13 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Lines 19-20, by striking "may result in increased revenues" and inserting in lieu thereof the following: "makes tobacco settlement proceeds subject to constitutional revenue limits in an amount"; and

Further amend said amendment, page 3, lines 22-23, by striking "which shall be subject to constitutional revenue limits".

Senator Klarich moved that the above amendment be adopted, which motion prevailed on a standing division vote.

**SSA 1** for **SA 1**, as amended, was again taken up.

Senator Klarich was recognized to close.

Senator Ehlmann inquired of Senator Klarich regarding offering of additional amendments.

Senator Klarich inquired of Senator Quick as to whether he should yield for offering of further amendments or proceed with his closing remarks.

Senator Quick asked that the bill be placed on the Informal Calendar.

Senator Caskey raised the point of order that once a Senator is recognized to close, he may not yield for further amendments or for the bill to be placed on the Informal Calendar, but for inquiry only.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

## RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1224, regarding the Aurora Future Farmers of America, which was adopted.

Senator Caskey offered Senate Resolution No. 1225, regarding Landon Robert Foreman, Harrisonville, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Ron Hendricks, R.C. Worthan, Bob Shore, the assistant coaches and members of the Camdenton High School 1999 Class 4-A State Championship Football Team.

Senator Sims introduced to the Senate, Sarah Cable, Webb City.

Senator Kenney introduced to the Senate, Chris Hall, Webb City.

Senator Stoll introduced to the Senate, Tyler Coble, Webb City.

Senator Singleton introduced to the Senate, Kelli Cragin, Webb City.

Senator Yeckel introduced to the Senate, Janet Hunt, St. Louis.

Senator Maxwell introduced to the Senate, Jeremy Hollingshead, Joplin.

On behalf of Senator Johnson, the President introduced to the Senate, Josh Friel, Webb City.

Senator Howard introduced to the Senate, Dale Norris, Barbara Cunningham, Holly Kingree, Theresa Johnson and eighth grade students from Fisk Middle School, Twin Rivers; and Cristen Acre, Joe Cravens, Julie Dunn and Kevin Cunningham were made honorary pages.

Senator Caskey introduced to the Senate, Jerry Cornelius and members of the Rich Hill 1999 Class 1-A State Championship Football Team.

On behalf of Senator Bland and himself, Senator Childers introduced to the Senate, Carol Fitzmaurice, Theresa Morgan, Jean John, Doris Holman and Carol Conway, Douglas County.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 17, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 121:8: "The Lord will keep your going out and your coming in from this time and forevermore."

Gracious God, we thank You that You are concerned about Your children and give us the assurance that You watch over them and protect them. We rejoice that You are here with us this morning. And we would ask, bless us and guide us through the task we need to complete today. Then Lord, ride with us and bring us safely home through the snow and ice and rain, to join loved ones and friends and enjoy the gift of rest. May we be open to Your word and sing Your praises in worship this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

## RESOLUTIONS

Senator Staples offered Senate Resolution No. 1226, regarding Cord Michael Blumenstock, Desloge, which was adopted.

Senator Staples offered Senate Resolution No. 1227, regarding James C. Varenhorst, Grand Exalted Ruler of the Benevolent and Protective Order of Elks of the United States of America.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1021**-By Rohrbach.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to raffles and sweepstakes as authorized by constitutional amendment, with penalty provisions and an emergency clause.

**SB 1022**-By Scott.

An Act to repeal sections 105.905, 105.910, 105.915 and 105.925, RSMo 1994, relating to deferred compensation, and to enact in lieu thereof four new sections relating to the same subject.

**SB 1023**-By Yeckel.

An Act to repeal section 135.400, RSMo 1994, and 135.403, RSMo Supp. 1999, relating to tax relief for investors in qualified small business, and to enact in lieu thereof two new sections relating to the same subject.

**SB 1024**-By Yeckel.

An Act to amend chapter 324, RSMo, relating to occupations and professions by adding thereto eight new sections relating to the same subject.

**SB 1025**-By Clay and House.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to noncompetition clauses for broadcasting industry employees.

**SB 1026**-By Wiggins.

An Act to repeal section 144.700, RSMo 1994, relating to the school district trust fund, and to enact in lieu thereof one new section relating to the same subject.

**SB 1027**-By Sims.

An Act to repeal section 192.070, RSMo 1994, and sections 167.181 and 332.311, RSMo Supp. 1999, relating to dental care, and to enact in lieu thereof three new sections relating to the same subject.

### **THIRD READING OF SENATE BILLS**

**SB 540**, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 262.260, RSMo Supp. 1999, relating to the state fair, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 540**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR**

### **SENATE BILL NO. 540**

An Act to repeal section 262.260, RSMo Supp. 1999, relating to the state fair, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 540** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 540** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 722**, introduced by Senator Caskey, entitled:

An Act to repeal section 452.400, RSMo Supp. 1999, relating to visitation rights, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 722** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 769**, introduced by Senators DePasco and Wiggins, entitled:

An Act to repeal section 84.610, RSMo 1994, relating to the Kansas City police department, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **SB 769** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

**SB 774**, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to drug courts.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 774**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Schneider Staples--2

Absent with leave--Senators

Mueller Scott--2

Vacancies--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 537**, introduced by Senator Russell, entitled:

An Act relating to law enforcement districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 537** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Singleton Staples--2

Absent with leave--Senators

Mueller Scott--2

Vacancies--1

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 856**, introduced by Senator Maxwell, entitled:

An Act to repeal section 198.530, RSMo Supp. 1999, relating to long-term care facilities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 856** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Howard	Johnson--3	
Absent with leave--Senators			
Mueller	Scott--2		
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 779**, with **SCS**, introduced by Senators Mathewson and Johnson, entitled:

An Act to repeal sections 407.850 and 407.870, RSMo 1994, relating to farm machinery inventory repurchase, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

**SCS** for **SB 779**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 779

An Act to repeal sections 407.850 and 407.870, RSMo 1994, relating to farm machinery inventory repurchase, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 779** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 779** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senator Bland--1

Absent with leave--Senators

Mueller Scott--2

Vacancies--1

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Maxwell moved that **SB 576** be taken up for perfection, which motion prevailed.

Senator Maxwell offered **SS** for **SB 576**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 576

An Act to amend chapter 570, RSMo, relating to stealing and related offenses by adding thereto one new section relating to financial exploitation of the elderly or disabled, with penalty provisions.

Senator Maxwell moved that **SS** for **SB 576** be adopted.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 576, Page 1, Section 570.145, Line 15, by deleting the following from said line: "C" and inserting therefor the following: "**D**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 576, Page 1, Section A, Line 3, by inserting immediately after said line

the following:

**"33.850. 1. Sections 33.850 to 33.895 shall be known and may be cited as the "Missouri Act to Prevent False Claims Against the Elderly".**

**2. As used in sections 33.850 to 33.895, the following terms shall mean:**

**(1) "Claim", includes any request or demand regarding health care for the elderly, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other person if the state provides any portion of the money or property which is requested or demanded regarding health care for the elderly, or if the state will reimburse such contractor, grantee, or other person for any portion of the money or property which is requested or demanded regarding health care for the elderly;**

**(2) "Custodian", the custodian, or any deputy custodian, designated by the attorney general pursuant to section 33.883;**

**(3) "Documentary material", includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery;**

**(4) "Exempt official", any of the following officials: any state official listed in article IV, section 12 of the Constitution of the state of Missouri and all other persons appointed by the governor by and with the consent of the senate;**

**(5) "Investigation", any inquiry conducted by an investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of sections 33.850 to 33.895;**

**(6) "Investigator", a person who is charged by the attorney general with the duty of conducting any investigation pursuant to sections 33.850 to 33.895, or any officer or employee of the state acting under the direction and supervision of the department of public safety, through the Missouri state highway patrol, with an investigation;**

**(7) "Knowing" and "knowingly", that a person, with respect to information:**

**(a) Has actual knowledge of the information; and**

**(b) Acts in deliberate ignorance of the truth or falsity of the information; or**

**(c) Acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required;**

**(8) "Original source", an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the state before filing an action pursuant to sections 33.850 to 33.895 which is based on the information;**

**(9) "Product of discovery" includes:**

**(a) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;**

**(b) Any digest, analysis, selection, compilation, or derivation of any item listed in paragraph (a) of this subdivision; and**

**(c) Any index or other manner of access to any item listed in paragraph (a) of this subdivision.**



**33.853. 1. Sections 33.850 to 33.895 are intended to provide for civil recovery for false or fraudulent claims paid by the state.**

**2. Any person who:**

- (1) Knowingly presents, or causes to be presented, to an officer or employee of the state a false or fraudulent claim for payment or approval;**
- (2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the state;**
- (3) Conspires to defraud the state by getting a false or fraudulent claim allowed or paid;**
- (4) Has possession, custody, or control of property or money used, or to be used, by the state regarding health care for the elderly and, intending to defraud the state or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;**
- (5) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state regarding health care for the elderly and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true;**
- (6) Knowingly buys, or receives as a pledge on an obligation or debt regarding health care for the elderly, public property from an officer or employee of the state who lawfully may not sell or pledge the property; or**
- (7) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state regarding health care for the elderly, is liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of damages which the state sustains because of the act of that person. A person found guilty of violating this section shall also be liable to the state for the costs of a civil action brought to recover any such penalty or damages.**

**3. This section does not apply to claims, records, or statements made pursuant to chapter 143, RSMo.**

**33.856. 1. The attorney general shall diligently investigate a civil violation pursuant to sections 33.850 to 33.895. If the attorney general finds that a person has violated or is violating section 33.853, the attorney general may bring a civil action pursuant to this section against the person.**

**2. A person may bring a civil action for a violation of section 33.853 for the person and for the state. The action shall be brought in the name of the state. The action may be dismissed only if the court and the attorney general give written consent to the dismissal and their reasons for consenting.**

**3. A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the attorney general for the state. The complaint shall be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The state may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.**

**4. The state may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to subsection 3 of this section. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed pursuant to this section until thirty days after the complaint is unsealed and served upon the defendant.**

**5. Before the expiration of the sixty-day period or any extensions obtained pursuant to subsection 4 of this section, the state shall:**

**(1) Proceed with the action, in which case the action shall be conducted by the state; or**

**(2) Notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.**

**6. When a person brings an action pursuant to this section, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.**

**7. If the false or fraudulent claim involves the attorney general's office, then the state auditor shall assume all powers, duties and obligations that the attorney general has pursuant to sections 33.850 to 33.856.**

**33.859. 1. If the state proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in subsection 2 of this section.**

**2. (1) The state may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the state of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.**

**(2) The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.**

**(3) Upon a showing by the state that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as:**

**(a) Limiting the number of witnesses the person may call;**

**(b) Limiting the length of the testimony of such witnesses;**

**(c) Limiting the person's cross-examination of witnesses; or**

**(d) Otherwise limiting the participation by the person in the litigation.**

**(4) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.**

**3. If the state elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the state so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the state's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.**

**4. Whether or not the state proceeds with the action, upon a showing by the state that certain actions of discovery by the person initiating the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.**

**5. The state may elect to pursue its claim through any alternate remedy available to the state, including any**

administrative proceeding to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued pursuant to this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action pursuant to this section.

**33.862. 1.** If the state proceeds with an action brought by a person pursuant to section 33.856, such person shall receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. The state shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred by the attorney general, including reasonable attorneys' fees and costs, and the amount received shall be deposited in the whistleblower reward and protection fund created in section 33.895. All such expenses, fees, and costs shall be awarded against the defendant upon a finding of guilt.

**2.** If the state does not proceed with an action pursuant to this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

**3.** Whether or not the state proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 33.853 upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive pursuant to this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 33.853, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the state to continue the action.

**4.** If the state does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

**33.865. 1. (1)** No court shall have jurisdiction over an action brought pursuant to section 33.856 against a member of the general assembly, a member of the judiciary, or an exempt official if the action is based on evidence or information known as the violation to the state when the action was brought.

**(2)** In no event may a person bring an action pursuant to section 33.856 which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party.

**(3)** No court shall have jurisdiction over an action pursuant to this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or auditor report, hearing, audit, or investigation, or from the news media, unless the action is brought by the attorney general or the person bringing the action is an original source of the information.

**2.** The state is not liable for expenses which a person incurs in bringing an action pursuant to section 33.856.

**3. Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done pursuant to sections 33.850 to 33.895, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the seniority status such employee would have had but for the discrimination, interest on the back pay which would have been otherwise due, two times the amount of back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate circuit court for the relief provided in this subsection.**

**33.868. 1. A subpoena requiring the attendance of a witness at a trial or hearing conducted pursuant to section 33.859 may be served at any place in the state.**

**2. A civil action pursuant to section 33.856 may not be brought:**

**(1) More than six years after the date on which the alleged violation of section 33.853 is committed; or**

**(2) More than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the state charged with responsibility to act in the circumstances, whichever occurs last.**

**3. In any action brought pursuant to section 33.856, the state or the person shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.**

**4. Notwithstanding any other provision of law, a final judgment rendered in favor of the state in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought pursuant to subdivision (1) or (2) of subsection 5 of section 33.856.**

**33.871. 1. When it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any violation of section 33.853 or when he or she believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any such act or practice he or she may issue and cause to be served a civil investigative demand to assist in the investigation of the matter. The issuance and enforcement of each civil investigative demand shall be conducted in compliance with all of the terms and provisions of sections 407.040 to 407.090, except as provided for in sections 33.850 to 33.895.**

**2. Any person served a civil investigative demand shall have the right to the assistance of counsel.**

**33.874. Any civil investigative demand issued pursuant to section 33.871 may be served as the Missouri rules of civil procedure prescribes for service of process. To the extent that the courts of this state can assert jurisdiction over any person outside the state consistent with due process, the courts of this state shall have the same jurisdiction to take any action respecting compliance with this section against any such person that such court would have if such person were personally within the jurisdiction of such court.**

**33.877. A verified return by the individual serving any civil investigative demand issued pursuant to section 33.871 or any petition filed pursuant to section 33.856 setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.**

**33.880. 1. The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the county within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the investigator conducting the examination and such person.**

2. When the testimony is fully transcribed, the investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine it, the officer or investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons, if any, given therefor.

33.883. 1. The attorney general shall designate the Missouri state highway patrol to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received pursuant to sections 33.850 to 33.895, and shall designate additional employees of the Missouri state highway patrol as the attorney general determines from time to time to be necessary to serve as deputies to the custodian.

2. An investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony pursuant to this section shall transmit them to the custodian. The custodian shall take physical possession of such material, and shall be responsible for the use made of them and for their return pursuant to subsection 5 of this section. The custodian may cause the preparation of such copies of such material as may be required for official use.

3. Nothing in this section is intended to prevent disclosure to the general assembly, including any committee or subcommittee of the general assembly, or to any other state agency for use by such agency in furtherance of its statutory responsibilities. Disclosure of information to any such other agency shall be allowed only upon application, made by the attorney general to a circuit court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities.

4. Whenever any attorney has been designated to appear on behalf of the state before any court, grand jury, or state agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received pursuant to this section shall deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through introduction into the record of such case or proceeding.

5. Material produced in the course of any investigation pursuant to a civil investigative demand shall be returned, upon written request of the person who produced such material, to such person except authorized copies or those which have passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding, if:

(1) Any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state agency involving such material, has been completed; or

(2) No case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation.

33.886. 1. At any time during which any custodian is in custody or control of any material received pursuant to section 33.871, such person as provided the material, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the circuit court of the county within which the office of such custodian holding any of the material is situated, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this section.

2. Whenever any petition is filed in any circuit court pursuant to this section, such court shall have jurisdiction

to hear and determine the matter so presented, and to enter such orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered pursuant to this section by any court shall be punished as a contempt of the court.

**33.889.** Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand shall be a closed record pursuant to chapter 610, RSMo.

**33.892.** The Missouri rules of civil procedure shall apply to all proceedings pursuant to sections 33.850 to 33.895, except when rules are inconsistent with sections 33.850 to 33.895.

**33.895. 1.** There is hereby created the "Whistleblower Reward and Protection Fund" within the state treasury. All proceeds of an action or settlement of a claim brought pursuant to sections 33.850 to 33.895 shall be transmitted to the director of revenue for deposit in the fund.

**2.** Monies in the fund shall be allocated, subject to appropriation, as follows: One-sixth of the moneys shall be paid to the attorney general and one-sixth of the moneys shall be paid to the Missouri state highway patrol for state law enforcement purposes. The remaining two-thirds of the moneys in the fund shall be used for payment of awards to citizen plaintiffs, for attorneys' fees and expenses, and as otherwise specified in sections 33.850 to 33.895. The attorney general shall direct the state treasurer to make disbursement of funds as provided in court orders setting those awards, fees, and expenses. The state treasurer shall transfer any fund balances in excess of those required for these purposes to the general revenue fund at the end of each biennium."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Maxwell moved that **SS** for **SB 576**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 576**, as amended, was declared perfected and ordered printed.

## **REPORTS OF STANDING COMMITTEES**

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SJR 31**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

### **SENATE COMMITTEE AMENDMENT NO. 1**

Amend Senate Joint Resolution No. 31, Page 2, Section 8, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: "**have served twelve or more consecutive years, except that service of less than one full general assembly shall not be counted.**".

Also,

Mr. President: Your Committee on Judiciary, to which were referred **SB 678** and **SB 742**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 599** and **SB 531**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Clay submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 827**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 642**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 813**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 721**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 545**, **SB 628**, **SB 647**, **SB 728**, **SB 834** and **SB 832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 741**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator DePasco submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 763**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator DePasco submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 558**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Johnson, Chairman of the Committee on Public Health and Welfare, Senator DePasco submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 597**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 858**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 858, page 4, Section 610.027, Line 17, by striking "twenty-five" and inserting in lieu thereof the following: "**fifteen**".

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 729**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SJR 46**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 807**, **SB 553**, **SB 574**, **SB 614**, **SB 747** and **SB 860**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 771**, **SB 849** and **SB 822**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 703**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

On behalf of Senator Quick, Chairman of the Committee on Gubernatorial Appointments, Senator DePasco submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

M. Jenise Comer, as a member of the State Committee for Social Workers;

Also,

Rudy J. Arredondo, as student representative of the Truman State University Board of Governors;

Also,



Taylor C. Crouse, as student representative of the Missouri Western State College Board of Regents;

Also,

Amy M. Reinsch, as a student representative of the Linn State Technical College Board of Regents;

Also,

Michael Stephan Manier, as a member of the Linn State Technical College Board of Regents;

Also,

Kathleen M. Meyer, as a member of the State Banking Board;

Also,

Ronald W. Vessell, as a member of the Missouri Training and Employment Council;

Also,

Dudley R. Grove, as a member of the Coordinating Board for High Education;

Also,

Richard L. Hill, as a member of the Peace Officer Standards and Training Commission;

Also,

Janet W. Hunt, as a member of the Missouri Real Estate Commission;

Also,

Betty P. Council, as a member of the Missouri Head Injury Advisory Council;

Also,

Teresa R. "Terri" Gray and Linda G. Arnold, as members of the Missouri Women's Council;

Also,

Carl M. Myers, as a member of the State Board of Registration for the Healing Arts;

Also,

Randall Joe Davis, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Jerry W. Divin, as a member of the State Fair Commission;

Also,

Henry E. Clabaugh, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Harold K. Bengsch, as a member of the State Board of Health;

Also,

Joyce A. Blades, as a member of the Public Defender Commission;

Also,

Amy S. Campbell, as a member of the Child Abuse and Neglect Review Board.

Senator DePasco requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator DePasco moved that the committee reports be adopted and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator DePasco submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SJR 35**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Jacob assumed the Chair.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1028**-By Ehlmann.

An Act to repeal section 213.055, RSMo Supp. 1999, relating to unlawful employment practices, and to enact in lieu thereof one new section relating to the same subject.

**SB 1029**-By Schneider.

An Act to repeal section 517.011, RSMo 1994, relating to procedure before certain associate circuit judges, and to enact in lieu thereof one new section relating to the same subject.

**SB 1030**-By Bland.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

### **SECOND READING OF SENATE BILLS**

The following Bill was read the 2nd time and referred to the Committee indicated:

**SB 1017**--Transportation.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1074**, entitled:

An Act to repeal section 249.422, RSMo Supp. 1999, relating to water pollution, by adding thereto four new sections relating to the authorization of additional state bonds for water pollution control.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1186**, entitled:

An Act to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1215** and **1240**, entitled:

An Act to repeal sections 537.525, 541.033, 542.281, 565.090, 565.225, 568.110, 569.070, 569.093, 569.094, 569.095, 569.097, 569.099, 573.010, 573.025, 573.035, 573.037 and 573.050, RSMo 1994, and sections 556.036 and 565.253, RSMo Supp. 1999, relating to computer crime, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1452**, entitled:

An Act to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **REFERRALS**

President Pro Tem Quick referred **SCR 26** to the Committee on Rules, Joint Rules and Resolutions.

## **INTRODUCTIONS OF GUESTS**

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Stuart Braverman, M.D., Sedalia.

Senator Sims introduced to the Senate, Lieutenant Colonel Gordon Spicer, Major David Stewart and Captain Jesse Collins, St. Louis.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 21, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 21, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 121:1-2: "I will lift up mine eyes unto the hills, from where comes my help? My help comes from the Lord."

Gracious God, as we begin a new week we are mindful of these words of David who was often pressed from every side dealing with the affairs of state as well as his personal difficulties. And as David learned to say with unwavering confidence in worst of times, "...from where is my help to come? My help comes from the Lord," so comes our help when we are stressed and perplexed. It is the Lord who provides wisdom and peace, love and mercy so we may deal with the challenges of this day, this week. Grant us such a confidence in You dear God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 17, 2000, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Graves offered Senate Resolution No. 1228, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Boyd Rondall Baker, Martinsville, which was adopted.

Senator Graves offered Senate Resolution No. 1229, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Feiden, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1230, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Archie L. Smith, Galt, which was adopted.

Senator Graves offered Senate Resolution No. 1231, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Davis, Ravenwood, which was adopted.

Senator Graves offered Senate Resolution No. 1232, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. G. H. Olsen, Winston, which was adopted.

Senator Graves offered Senate Resolution No. 1233, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Maurice Breeden, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1234, regarding the Sixty-eighth Wedding Anniversary of Mr. and Mrs. Roy Miller, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 1235, regarding the One Hundredth Birthday of Myra Martin, Carrollton, which was adopted.

Senator House offered Senate Resolution No. 1236, regarding William F. Dotson, St. Peters, which was adopted.

Senators House and Rohrbach offered Senate Resolution No. 1237, regarding the death of J. E. "John" Wylie, Jefferson City, which was adopted.

Senator Graves offered Senate Resolution No. 1238, regarding Travis Cody Smith, Holt, which was adopted.

Senator Graves offered Senate Resolution No. 1239, regarding Judith Ann Ross Toops, Marceline, which was adopted.

Senator Yeckel offered Senate Resolution No. 1240, regarding Marion Sims, St. Louis, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1031**-By Sims.

An Act to repeal section 570.030, RSMo Supp. 1999, relating to stealing, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

**SB 1032**-By Sims.

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to merchandising practices.

**SB 1033**-By Steelman.

An Act to amend chapters 37, 67, 172, 226, 252 and 286, RSMo, by adding thereto six new sections relating to grants and scholarships.

**SB 1034**-By Steelman.

An Act to repeal section 193.245, RSMo 1994, relating to vital records, and to enact in lieu thereof one new section relating to the same subject.

**SB 1035**-By Westfall.

An Act to repeal section 91.210, RSMo 1994, relating to municipally owned utilities, and to enact in lieu thereof one new section relating to the same subject.

**SB 1036**-By Johnson.

An Act to authorize the conveyance of state property located in Buchanan County.

**SB 1037**-By Bentley.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

### **SENATE COMMITTEE AMENDMENT NO. 1**

Amend Senate Concurrent Resolution No. 23, Page 109 of the Senate Journal for January 18, 2000, Column 1, Line 8, by striking the word "December" and inserting in lieu thereof "**April**".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1034**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 576**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 996**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 997**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 894**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 893**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 789**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 842**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 946**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 868**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 876**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 725**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 633**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 541**, begs leave to report that it has



considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

### SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 757** and **SB 602**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 757** and **602**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILLS NOS. 757 and 602

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.067, 573.010, 573.020, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050 and 660.520, RSMo 1994, and sections 210.109, 210.115, 210.150 and 559.115, RSMo Supp. 1999, and to enact in lieu thereof nineteen new sections relating to the protection of children, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 757** and **602** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 757** and **602**, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILLS NOS. 757 and 602

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.067, 573.010, 573.020, 573.025, 573.035, 573.037, 573.050 and 660.520, RSMo 1994, and sections 210.109, 210.115, 210.150 and 559.115, RSMo Supp. 1999, and to enact in lieu thereof eighteen new sections relating to the protection of children, with penalty provisions.

Senator Maxwell moved that **SS** for **SCS** for **SBs 757** and **602** be adopted.

At the request of Senator Maxwell, **SB 757** and **SB 602**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Caskey moved that **SB 756**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 756**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 756

An Act to repeal sections 273.327, 273.333 and 273.357, RSMo 1994, relating to animal care facilities, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 756** be adopted.

Senator Caskey offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 756, Page 2, Section 273.333, Lines 19-20, by striking the following: "No fee shall be charged for inspections made pursuant to a complaint."; and

Further amend said bill, Page 2, Section 273.357, Line 1, by striking the opening bracket "[" on said line; and further amend said line by striking the following: "]" for inspections pursuant to".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **SB 756**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 756**, as amended, was declared perfected and ordered printed.

Senator House moved that **SJR 45** and **SJR 41**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 45** and **41**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE JOINT RESOLUTIONS NOS. 45 and 41

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SJR 45** and **41** be adopted.

Senator Childers offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolutions Nos. 45 and 41, Page 2, Section 26(b), Line 11, by inserting after the word "majority" on said line the following: "**of the registered voters in such district**".

Senator Childers moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Klarich, Singleton and Staples.

Senator Mathewson assumed the Chair.

**SA 1** failed of adoption by the following vote:

#### YEAS--Senators

Childers	Ehlmann	Graves	Kinder
Klarich	Mueller	Rohrbach	Singleton
Steelman	Westfall--10		

#### NAYS--Senators

Bentley	Bland	Caskey	Clay
DePasco	Flotron	Goode	House

Jacob	Johnson	Kenney	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Sims	Staples	Stoll
Wiggins	Yeckel--22		
	Absent--Senator Howard--1		
	Absent with leave--Senators--None		
	Vacancies--1		

Senator Johnson assumed the Chair.

Senator Klarich offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Joint Resolutions Nos. 45 and 41, Page 1, In the Title, Lines 2-4, by striking all of said lines and inserting in lieu thereof the following:

"Submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and an amendment repealing section 4(a) of article X of the Constitution of Missouri relating to property taxation, by adopting in lieu thereof two new sections."; and

Further amend said resolution, Page 1, Preamble, Line 4, by striking the word "amendment" and inserting in lieu thereof the word "amendments to be presented as separate questions"; and further amend the preamble, line 5, by striking "article VI" and inserting in lieu thereof the following: "articles VI and X"; and

Further amend said resolution, Page 2, Section 26(b), Line 11, by inserting after all of said line the following:

"Section B. Section 4(a), article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 4(a), to read as follows:

Section 4(a). All taxable property shall be classified for tax purposes as follows: class 1, real property; class 2, tangible personal property; class 3, intangible personal property. The general assembly, by general law, may provide for further classification within classes 2 and 3, based solely on the nature and characteristics of the property, and not on the nature, residence or business of the owner, or the amount owned. Nothing in this section shall prevent the taxing of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes, or any other taxes of the same or different types. **Beginning in any tax year which begins on or after January 1, 2001, the assessed value of property in class 1, excluding any value added by new construction or improvements, owned by any person who is sixty-five years of age or older and who has used that property as a homestead for a period of five years or longer shall not increase during the period of time that person resides on that property after attaining the age of sixty-five years.**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

At the request of Senator House, **SJR 45** and **SJR 41**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

President Pro Tem Quick assumed the Chair.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Cupps, One Persimmon Hill Road, Cassville, Barry County, Missouri 65625, as a public member of the County Employees' Retirement Fund Board of Directors, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, RSMo 50.1030.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Conny K. Dover, Rural Route Six, Box 455, Kirksville, Adair County, Missouri 63501, as a public member of the County Employees' Retirement Fund Board of Directors, for a term ending January 1, 2004, and until her successor is duly appointed and qualified; vice, RSMo 50.1030.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James W. "Jamie" Graham, 514 South Bradford, T4, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2002, and until his successor is duly appointed and qualified; vice, Sue Ann Morrow, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles C. Hill, 1546 South Fairway Avenue, Springfield, Greene County, Missouri 65804, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Karl Grice, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Owen D. Lunn, 331 East Locust, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2002, and until his successor is duly appointed and qualified; vice, James W. Spradling, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald R. McQuitty, Democrat, 37870 Garland Place, Callao, Macon County, Missouri 63534, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, Thomas A. Dinkins III, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melva L. Ware, Ph.D., 6348 Washington Avenue, St. Louis, St. Louis County, Missouri 63130, as a member of the Minority

Environmental Literacy Advisory Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Ingrid St. Omer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Meriam E. "Beth" Williams, 3101 La Vista Drive, St. Ann, St. Louis County, Missouri 63074, as a member of the Board for Certification of Interpreters, for a term ending June 27, 2000, and until her successor is duly appointed and qualified; vice, Stephen Hamerdinger, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Quick referred **SS** for **SB 576** to the Committee on State Budget Control.

### **INTRODUCTIONS OF GUESTS**

Senator Rohrbach introduced to the Senate, Candice McCarty, Wardsville.

On behalf of Senator Jacob and herself, Senator Sims introduced to the Senate, Jessica Crews, Columbia; and Jessica was made an honorary page.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

SECOND REGULAR SESSION

**TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 22, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

In a dark time during the period of the Reformation, Martin Luther entered a melancholy mood, to wit his wife Kate put on mourning clothes. When Luther asked her why his wife Kate responded: "Why, I thought that God had died, the way that you've been acting; and so I thought it proper that I should go into mourning."

Gracious God, You know how often we plod along our pathways as though Your house was empty, as though there were no living and loving Father there to care for us, guide us, and shield us with His might and mercy. Help us to have the faith and trust in You that lightens our steps and strengthens our resolve so that we may use the gifts You have given us to complete the work You have given us to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Quick offered Senate Resolution No. 1241, regarding Travis Cody "T.C." Smith, Holt, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 617** and **SB 646**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 907**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 942**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 914**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 881**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1038**-By Caskey.

An Act to repeal section 556.046, RSMo 1994, relating to criminal procedure, and to enact in lieu thereof one new section relating to the same subject.

**SB 1039**-By Westfall.

An Act to repeal sections 376.421, 376.424, 376.426, 379.930, 379.932, 379.934, 379.936, 379.938, 379.940 and 379.952, RSMo 1994, relating to group health insurance, and to enact in lieu thereof ten new sections relating to the same subject.

## **THIRD READING OF SENATE BILLS**

**SB 557**, with **SCS**, introduced by Senator Mueller, entitled:

An Act to amend chapter 99, RSMo, relating to municipal housing by adding thereto one new section relating to additional housing com-missioners in certain political subdivisions.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 557**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 557

An Act to amend chapter 99, RSMo, relating to municipal housing by adding thereto one new section relating to additional housing com-missioners in certain political subdivisions.

Was taken up.

Senator Mueller moved that **SCS** for **SB 557** be adopted, which motion prevailed.

On motion of Senator Mueller, **SCS** for **SB 557** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Russell--2		
Absent with leave--Senators--None			
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 821**, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to amend chapter 50, RSMo, by adding thereto one new section relating to certain county retirement systems.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 821**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None  
Absent--Senator Scott--1  
Absent with leave--Senators--None  
Vacancies--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

**SB 746**, with **SCS**, introduced by Senator Johnson, entitled:

An Act to repeal section 320.091, RSMo 1994, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 746**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 746

An Act to repeal section 320.091, RSMo 1994, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **SB 746** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 746** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None  
Absent--Senator Schneider--1  
Absent with leave--Senators--None  
Vacancies--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 883**, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 334.650 and 334.655, RSMo Supp. 1999, relating to physical therapist assistants, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 883**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 883

An Act to repeal section 334.655, RSMo Supp. 1999, relating to physical therapist assistants, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 883** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 883** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
Absent--Senators--None  
Absent with leave--Senators--None  
Vacancies--1

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 685**, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control, with penalty provisions.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 685**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 685

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

Was taken up.

Senator Bland moved that **SCS** for **SB 685** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 685** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 765**, with **SCS**, introduced by Senator Kenney, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

Was called from the Consent Calendar and taken up.

SCS for SB 765, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 765

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

Was taken up.

Senator Kenney moved that SCS for SB 765 be adopted, which motion prevailed.

On motion of Senator Kenney, SCS for SB 765 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Howard	Singleton--2		
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 643, introduced by Senator Schneider, entitled:

An Act to repeal sections 448.2-117 and 448.3-106, RSMo 1994, relating to condominium property, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, SB 643 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Caskey	Staples--2		
	Absent--Senator Maxwell--1		
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 836**, introduced by Senator Mueller, entitled:

An Act to repeal section 355.661, RSMo 1994, relating to not-for-profit corporations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mueller, **SB 836** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 877**, introduced by Senator Sims, entitled:

An Act to amend chapter 9, RSMo, relating to public holidays by adding thereto one new section relating to Missouri lifelong learning month.



Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 877** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			
Vacancies-- 1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 573**, introduced by Senator House, entitled:

An Act to repeal section 163.036, RSMo Supp. 1999, relating to deductions for state school aid over payments, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 573** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Clay-- 1			
Absent with leave--Senators--None			
Vacancies-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Clay	Jacob	Quick	Schneider
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Staples--5

Absent with leave--Senators--None

Vacancies--1

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

### SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 618**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 618, Page 1, Section 217.287, Line 4, by inserting after the word "renegotiate" the following: "but may not extend the term of".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 618, Page 1, Section 217.287, Line 1, by inserting immediately before said line the following:

"217.015. 1. The department shall supervise and manage all correctional centers, and probation and parole of the state of Missouri.

2. The department shall be composed of the following divisions:

(1) The division of human services;

(2) The division of adult institutions;

(3) The board of probation and parole; and

(4) The division of offender rehabilitative services.

3. Each division may be subdivided by the director into such sections, bureaus, or offices as is necessary to carry out the duties assigned by law.

**4. The department shall operate a women offender program to be supervised by a director of women's programs. The purpose of the women offender program shall be to ensure that female offenders are provided a continuum of supervision strategies and program services reflecting best practices for female probationers, prisoners and parolees in areas including but not limited to classification, diagnostic processes, facilities, medical and mental health care, child custody and visitation.**

**5. There shall be an advisory committee under the direction of the director of women's programs. The members of the committee shall include the director of the office of women's health, the director of the department of mental health or designee and four others appointed by the director of the department of corrections. The committee shall address the needs of women in the criminal justice system as they are affected by the changes in their community, family concerns, the judicial system and the organization and available resources of the department of corrections.";** and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SB 618**, as amended, was declared perfected and ordered printed.

Senator Schneider moved that **SJR 31**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Schneider moved that the above amendment be adopted, which motion failed.

At the request of Senator Schneider, **SJR 31** was placed on the Informal Calendar.

At the request of Senator Schneider, **SB 678** and **SB 742**, with **SCS**, were placed on the Informal Calendar.

Senator Schneider moved that **SB 599** and **SB 531**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 599** and **531**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILLS NOS. 599 and 531

An Act to repeal section 143.171, RSMo 1994, and section 143.111, RSMo Supp. 1999, relating to certain income tax deductions, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up.

Senator Johnson assumed the Chair.

Senator Schneider moved that **SCS** for **SBs 599** and **531** be adopted.

At the request of Senator Schneider, **SB 599** and **SB 531**, with **SCS** (pending), were placed on the Informal Calendar.

#### INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 1040**-By Caskey.

An Act to repeal sections 143.011, 143.071, 144.021, 144.440, 144.700, 144.701, 163.022, 163.032 and 164.013, RSMo 1994, and sections 137.073, 144.020, 144.190, 162.975, 163.011, 163.021, 163.031, 163.087 and 163.161, RSMo Supp. 1999, relating to funding for public schools, and to enact in lieu thereof fourteen new sections relating to the same subject, with an effective date for a certain section and a referendum clause.

## **CONCURRENT RESOLUTIONS**

Senators Maxwell, Westfall, Graves and Steelman offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 27**

WHEREAS, Missouri producers must have readily available markets in order to remain competitive in the agriculture industry; and

WHEREAS, the ongoing trend of consolidation and mergers in American agriculture economy is having an adverse impact on Missouri farmers and ranchers; and

WHEREAS, farmers' and ranchers' concerns are highlighted by the recent court injunction on the purchase of Murphy Family Farms, Inc. assets in Missouri by Smithfield Foods, Inc.; and

WHEREAS, other Midwestern states have raised similar concerns about the same transaction and have received similar court rulings; and

WHEREAS, this transaction is but one example of the level of interest in antitrust issues particularly within the agricultural sector of the economy; and

WHEREAS, competition remains critical for agricultural producers for the inputs they purchase and the products they sell; and

WHEREAS, the absence of competitive markets not only hurts farmers but ultimately will hurt consumers as well; and

WHEREAS, these anti-competitive forces are not targeted at specific states, but are more regional, national and in some cases, international in nature; and

WHEREAS, the Missouri legislature believes Congress, the United States Department of Agriculture and the United States Department of Justice should do more on consolidation and concentration issues in the agricultural sector; and

WHEREAS, in the absence of action by Congress, several state legislatures are pursuing ways to combat the anti-competitive forces currently at work in the agriculture markets; and

WHEREAS, Missouri lawmakers' concerns are heightened by the importance of agriculture to Missouri's rural communities; and

WHEREAS, Missouri lawmakers believe that consolidation and concentration issues of this magnitude demand prompt attention by lawmakers and regulators at the federal level:

NOW THEREFORE BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call upon the 106th Congress of the United States to immediately:

1. Expand the United States Department of Agriculture's role in evaluating agribusiness mergers and acquisitions;
2. Encourage the appointment of an Assistant Attorney General at the Department of Justice with the sole responsibility of handling agriculture mergers and acquisition;
3. Provide additional resources to expand the capability of the Grain Inspection, Packers and Stockyards Administration (GIPSA) to monitor, investigate and pursue the competitive implications of structural changes in the meat packing industry;
4. Support an increase in the staff of the Transportation, Energy and Agriculture section of the Department of Justice;

5. Prohibit the enforcement of confidentiality clauses in livestock production contracts and grain production contracts except to the extent that a legitimate trade secret is being protected;
6. Allow GIPSA to seek reparations for producers when a packer is found to be engaged in predatory or unfair practices;
7. Provide contract poultry growers the same protections as livestock producers by extending the powers of GIPSA to cover live poultry dealers;
8. Authorize a statutory trust for the protection of cash sellers to livestock dealers; and
9. Consider any other measure that will lead to greater competition within the United States' agricultural sector; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation, the United States Department of Agriculture, and the United States Department of Justice.

## REFERRALS

President Pro Tem Quick referred **SB 743**, with **SCA 1**, to the Committee on State Budget Control.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 10**:

### HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the legislature determines it is advisable to promote uniformity among the methods used by insurers of this state to value life insurance policies; and

WHEREAS, the National Association of Insurance Commissioners have adopted model regulations for the valuation of life insurance policies which, if used by insurers in this state, would unify the valuation of life insurance policies in this state; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby direct the department of insurance to promulgate regulations governing the valuation of life insurance policies and hereby recommend that the department of insurance adopt the "Valuation of Life Insurance Policies Model Regulation" adopted by the National Association of Insurance Commissioners.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 17**:

### HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, Derrick Thomas' immense talent on the football field was matched by his caring and generous spirit in the Kansas City community; and

Whereas, in his eleven year career as a Kansas City Chief, Derrick Thomas established himself as one of the NFL's most dominant defensive players and feared pass rushers, and firmly etched his place in history as one of the Kansas City Chiefs best linebackers; and

Whereas, Derrick Thomas made nine Pro Bowl appearances, the most of any player in the illustrious history of the Kansas City Chiefs; established team career records for sacks, safeties and fumble recoveries during his career; and his twenty sacks in 1990 set a Chiefs single-season mark, with his seven-sack game in 1990 setting an NFL single-game record; and

Whereas, Derrick Thomas was named the Chiefs Most Valuable Player following the 1991 and 1994 seasons, won the 1994 Genuine Heroes Award and received the league's two most prestigious humanitarian awards: the 1993 NFL Man of the Year and the 1995 Byron "Whizzer" White

Humanitarian Award for service to team, community and country; and

Whereas, as the son of an Air Force Captain, Derrick Thomas was five years old when his father's plane was shot down while it was returning from a mission in Vietnam on December 17, 1972. With his father declared legally dead in 1980 as a Vietnam MIA, Derrick Thomas had a special relationship with veterans. He delivered the keynote address at the Vietnam Veterans Memorial during the Memorial Day ceremony in 1993 and volunteered regularly at Kansas City's veterans' hospital; and

Whereas, the notable achievements of Derrick Thomas off the football field were equally remarkable to his achievements on the football field. Derrick started an inner-city reading program with his "Third and Long Foundation" ten years ago and as its founder read to children at local libraries each home Saturday during football season; he was the Kansas City Chief's United Way spokesperson; and he was designated by former President George Bush as the "832nd point of light" in the President's Thousand Points of Light campaign:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, do hereby instruct the State Highways and Transportation Commission and the Department of Transportation to take action immediately to name a section of Interstate 70 from Blue Ridge Cut Off at the George Brett Bridge on the west to Highway 291 on the east, the "Derrick Thomas Memorial Highway".

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the State Highways and Transportation Commission and the director of the Department of Transportation.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 25** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 25** was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Clay	Ehlmann	Jacob
Staples	Stoll--6		
Absent with leave--Senators--None			
Vacancies--1			

Senator Klarich moved that **SCR 23**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Klarich, **SCR 23**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Clay--1		
	Absent with leave--Senators--None		
	Vacancies--1		

### SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 757** and **SB 602**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SBs 757** and **602** was again taken up.

At the request of Senator Maxwell, **SS** for **SCS** for **SBs 757** and **602** was withdrawn.

Senator Maxwell offered **SS No. 2** for **SCS** for **SBs 757** and **602**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 757 and 602

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.025, 566.067, 566.068, 573.010, 573.020, 573.025, 573.035, 573.037 and 660.520, RSMo 1994, and sections 210.109, 210.115, 210.150 and 559.115, RSMo Supp. 1999, and to enact in lieu thereof nineteen new sections relating to the protection of children, with penalty provisions.

Senator Maxwell moved that **SS No. 2** for **SCS** for **SBs 757** and **602** be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 44, Section 660.520, Line 20 of said page, by inserting after the word "staff," the following: "**a representative of the family courts,**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 1, Section A, Line 9, by inserting after all of said line the following:

**"182.825. As used in sections 182.825 and 182.827, the following terms mean:**

**(1) "Harmful to minors", that quality of any description or representation, in whatever form, of nudity, sexual activity, sexual conduct, sexual excitement, or sadomasochistic abuse, when both:**

**(a) To the average adult applying contemporary state standards with respect to what is suitable for minors, it both:**

**a. Appeals to the prurient interest, when taken as a whole. In order for an item as a whole to be found or intended to have an appeal to the prurient interest, it is not necessary that the item be successful in arousing or exciting any particular form of prurient interest either in the hypothetical average person, in a member of its intended and probable recipient group or in the trier of fact;**

**b. Portrays the description or representation in a patently offensive way;**

**(b) Taken as a whole does not have serious literary, artistic political or scientific value for minors;**

**(2) "Public access computer", a computer that is:**

**(a) Located in a public school or public library;**

**(b) Frequently or regularly used directly by a minor; and**

**(c) Connected to any computer communication system.**

**182.827. 1. An elementary or secondary public school that provides a public access computer shall equip the computer with software that seeks to prevent minors from gaining access to material that is harmful to minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is harmful to minors. Standards and rules for the enforcement of this subsection shall be prescribed by the governing board of every school district.**

**2. A public library that provides a public access computer shall do one or both of the following:**

**(1) Equip the computer with software that will limit minors' ability to gain access to material that is harmful to minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is harmful to minors;**

**(2) Develop and implement by January 1, 2001, a policy that establishes measures to restrict minors from gaining computer access to material that is harmful to minors.**

**3. The secretary of state shall establish rules and regulations for the enforcement of subsection 2 of this section.**

**4. Any school board member, officer or employee who willfully neglects or refuses to perform a duty imposed by this section shall be subject to the penalties imposed pursuant to section 162.091, RSMo.**

**5. A public school or public school board member, officer or employee that complies with subsection 1 or 2 of this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is harmful to minors through the use of a public access computer that is owned or controlled by the public school or public library."; and**

Further amend the title and enacting clause accordingly.



Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 15, Section 210.145, Line 1, by inserting the following at the end of said line: "Should the subject child attend a non-public school the chief investigator shall notify the school principal of the investigation.".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 1, Section A, Line 9, by inserting after all of said line the following:

"208.660. Up to ten percent of any federal funds received pursuant to the provisions of Title XXI of the Social Security Act and up to ten percent of any state funds used to match those federal funds may be used for [outreach] **direct services** [through the division of medical services] for children's health programs [established through sections 208.631 to 208.657]. The division of medical services [may] **shall** contract with local public health agencies for purposes of this section. The provisions of this section shall be subject to appropriations. **The general assembly shall appropriate funds, as a separate line item appropriation, to the department to implement the provisions of sections 208.631 to 208.660. No fund shall be appropriated to implement the provisions of sections 208.631 to 208.660 from any other source. The department shall not expend any portion of an appropriation for children's health outreach programs unless it is appropriated as a separate line item.**"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 4** is out of order in that it exceeds the scope of the bill and its title.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Bland offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 14, Section 210.145, Line 13, by inserting after the word "observation." the following: "**When the child is reported absent from the residence, the location and the well being of the child shall be verified.**".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS No. 2** for **SCS** for **SBs 757** and **602**, as amended, be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

On motion of Senator Maxwell, **SS No. 2** for **SCS** for **SBs 757** and **602**, as amended, was declared perfected and

ordered printed.

At the request of Senator Scott, **SB 827** was placed on the Informal Calendar.

Senator Schneider moved that **SB 642** be taken up for perfection, which motion prevailed.

Senator Scott offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 642, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"103.115. **1. Except as otherwise provided in subsection 2 of this section**, any former employee or any surviving spouse who is receiving retirement benefits from the Missouri state employees' retirement system or the transportation department employees' and highway patrol retirement system; or any former **administrative law** judge or surviving spouse of a former **administrative law** judge who is receiving retirement benefits pursuant to the provisions of sections 287.812 to 287.856, RSMo[, or sections 476.450 to 476.686, RSMo]; or any former teacher or surviving spouse of a former teacher who elected to remain in the public school retirement system pursuant to the provisions of section 104.342, RSMo, and who is receiving retirement benefits from the public school retirement system and is, or becomes, a member of the Missouri consolidated health care plan or an alternative delivery health care program provided by the board on behalf of the state shall, upon application with the board of trustees, be made, constituted, appointed and employed by the board as a special consultant on the problems of retiree health and, in addition to duties prescribed in section 104.610, RSMo, or any other law, and upon request of the board of trustees, give the board, orally or in writing, a short detailed statement of physical, medical and health problems affecting retirees. As compensation for the extra duty imposed by this [section] **subsection**, each such special consultant as defined above shall receive, in addition to all other compensation provided by law, an amount contributed toward medical benefits coverage provided by the above-referenced plan or plans as appropriated by law.

**2. Notwithstanding the provisions of subsection 1 of this section to the contrary, any person who formerly served in a position described in subsection 1 of section 3 of article XIII of the Missouri Constitution who is receiving retirement benefits from any state retirement plan administered by the Missouri state employees' retirement system by virtue of such previous public service, who is eligible for Medicare benefits, as defined in section 103.089, and is or becomes a member of the Missouri consolidated health care plan or an alternative delivery health care program provided by the board on behalf of the state shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board as a special consultant on the problems of retiree health. In addition to the duties prescribed in section 104.610, RSMo, or any other law, and upon request of the board of trustees, such special consultant shall give the board, orally or in writing, a short detailed statement of physical, medical and health problems affecting retirees. As compensation for the extra duty imposed by this subsection, each such special consultant shall receive, in addition to all other compensation provided by law, medical coverage benefits coordinated with Medicare benefits for participants covered by Part A or Part B, or both, of Medicare benefits, or reduced by an amount determined by the claims administrator to provide a benefit equivalent to the amount which would be provided on a coordination of benefits basis for participants not covered by Part A or Part B, or both, of Medicare benefits.";** and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken. He was joined in his request by Senators Kenney, Russell, Scott and Singleton.

**SA 1** failed of adoption by the following vote:

YEAS--Senators

Bland

DePasco

House

Jacob

Johnson  
Schneider  
Wiggins--13

Mueller  
Scott

Quick  
Stoll

Russell  
Westfall

NAYS--Senators

Bentley  
Flotron  
Kinder  
Rohrbach  
Yeckel--17

Caskey  
Goode  
Klarich  
Sims

Childers  
Graves  
Mathewson  
Singleton

Ehlmann  
Kenney  
Maxwell  
Steelman

Absent--Senators

Clay

Howard

Staples--3

Absent with leave--Senators--None

Vacancies--1

On motion of Senator Schneider, **SB 642** was declared perfected and ordered printed.

Senator Schneider moved that **SB 678** and **SB 742**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 678** and **742**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 678 and 742

An Act to repeal sections 56.085, 478.437, 479.150, 516.500, 517.011, 550.120, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 1994, and sections 43.503, 67.133, 303.041, 452.556, 455.040, 455.050, 455.205, 478.320, 482.330, 483.500, 487.030, 514.440, 534.070, 537.675 and 610.105, RSMo Supp. 1999, relating to judicial and administrative procedures, and to enact in lieu thereof twenty-nine new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SBs 678** and **742** be adopted.

Senator Schneider offered **SS** for **SCS** for **SBs 678** and **742**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 678 and 742

An Act to repeal sections 56.085, 196.790, 426.220, 426.230, 429.360, 479.150, 512.190, 512.200, 512.210, 512.250, 512.270, 512.280, 512.290, 512.300, 512.310, 512.320, 516.500, 517.011, 534.350, 534.360, 535.110, 541.020, 550.120, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 1994, and sections 43.503, 67.133, 104.312, 303.041, 452.556, 455.040, 455.050, 455.205, 482.330, 483.500, 487.030, 514.440, 534.070, 534.380, 535.030, 537.675 and 610.105, RSMo Supp. 1999, relating to judicial and administrative procedures, and to enact in lieu thereof forty new sections relating to the same subject, with an effective date for certain sections.

Senator Schneider moved that **SS** for **SCS** for **SBs 678** and **742** be adopted.

At the request of Senator Schneider, **SB 678** and **SB 742**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Johnson assumed the Chair.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 756**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City, Missouri

February 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James P. Ford, 1112 Old 63 South, Columbia, Boone County, Missouri 65201, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2004, and until his successor is duly appointed and qualified; vice, Donald Shaikewitz, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City, Missouri

February 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph Mark Goffinet, 301 Chestnut Street, Boonville, Cooper County, Missouri 65233, as a member of the Missouri Board of Examiners for Healing Instrument Specialists, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, V. Dean Brethower, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vicki L. Groce, 106 West Market Street, Savannah, Andrew County, Missouri 64485, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, Harold Eugene Richardson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Arthur E. Hegi, Republican, Redding Drive, Post Office Box 273, Shell Knob, Barry County, Missouri 65747, as a public member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2002, and until his successor is duly appointed and qualified; vice, Gayleen Jones, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ann D. Laird, 32 Enfield Road, St. Louis, St. Louis County, Missouri 63132, as a public member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Jeanette Griffin, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debra L. Snoke, Republican, 12015 Northeast 134th Terrace, Kearney, Clay County, Missouri 64060, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2000, and until her successor is duly appointed and qualified; vice, Jack McCall, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

**REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 922**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 910**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 975**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### **RESOLUTIONS**

Senator DePasco offered Senate Resolution No. 1242, regarding Dr. Clifford A. Jackson, Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 1243, regarding Dr. Thomas Carter, Poplar Bluff, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1244, regarding Jeremy J. West, St. Peters, which was adopted.

### **INTRODUCTIONS OF GUESTS**

On behalf of Senator Clay and herself, Senator Sims introduced to the Senate, Steve Lipstein, St. Louis.

Senator Howard introduced to the Senate, Greg Williams, Cape Girardeau.

Senator Sims introduced to the Senate, Joy Williams, St. Louis County; and Joy was made an honorary page.

Senator Clay introduced to the Senate, Ms. Ollie Stewart, St. Louis.

Senator Jacob introduced to the Senate, Bill Fountain, Bev Hopkins and fourth and fifth grade students from Higbee Elementary School, Higbee.

Senator Westfall introduced to the Senate, Vicky McGuire, Jean Jordan and Rebecca Dobyns, Monett.

Senator Johnson introduced to the Senate, Wynn Howard, Audrey Howard, Marilyn Robinson, Bill Robinson, Gertie Reeves, Trudy Steele, Joan Gillman, Lucille Hale, Alice Anderson and Mae Duncan, St. Joseph; and Tanya Moore, Rosendale.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. William Turner, M.D., and Marie Wessley, R.N., Nevada.

Senator Russell introduced to the Senate, Edward and Brad Brown, Lebanon.

Senator Steelman introduced to the Senate, Jennifer Weber, Mokane; and Jennifer was made an honorary page.

Senator Kenney introduced to the Senate, former State Senator Gerald Winship, Independence.

On behalf of Senator Mathewson, the President introduced to the Senate, Zach Crews, Slater; and Doug Kueker, Sweet Springs.

Senator Howard introduced to the Senate, Melissa Emmons, Fisk.

Senator Graves introduced to the Senate, Kristen Curtis, Maysville; and Abby Smith, Chula.

Senator Klarich introduced to the Senate, Gary Banderman, Union.

Senator Maxwell introduced to the Senate, Colleen Griswold, Leonard; and Jesse Heimer, Taylor.

Senator Westfall introduced to the Senate, Josh Worthington, Dadeville.

Senator Singleton introduced to the Senate, Shasta Rentfrow, Seneca.

Senator Kinder introduced to the Senate, Daniel Mothershead, Benton.

Senator Caskey introduced to the Senate, Nancy Hildebrand, Lowry City.

Senator Russell introduced to the Senate, Brandon Uchtman, Fordland.

On behalf of Senator Staples, Senator Johnson introduced to the Senate, David Newman, Myrtle.

Senator Singleton introduced to the Senate, Sarah Duffy, Joplin.

On behalf of Senator Schneider, the President introduced to the Senate, Boy Scout Troop 884, St. Louis County.

Senator Mueller introduced to the Senate, Kirk Reardan, Barnhart; and Kirk was made an honorary page.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, Lisa and Melissa Meyers; Beth, Nick and Drew Weber; Becky, Ben and Nathan Makla; Emily Wheeler; Jason and Kelli Marshall; Karen and Taylor Janous; and Luke Turner, Homeschoolers from Lake St. Louis; and Melissa, Nick, Drew, Ben, Nathan, Emily, Jason, Kelli, Taylor and Luke were made honorary pages.

Senator Childers introduced to the Senate, Curtis Stratman, Jefferson City; Heather Nydegger, Oakville; and Tracia West, Kearney.

Senator Singleton introduced to the Senate,

Patti Davidson, Doug Carnahan and members of the Missouri Southern State College Student Senate.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

**TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 23, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Do you not know that I must be about my Father's business?" (Luke 2:49)

Heavenly Father, help us cultivate that sense of "I must!" in all that we do here. Help us in our service to the public, our contributions to the state, our daily service to our fellow men and women we serve with; give us that sense of "divine necessity." Help us see that we are called to do this not as unwilling slaves of a cruel habit, but because Your love for us leaves us no choice - We must because we want to! This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

President Wilson assumed the Chair.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1245, regarding Lois Virginia Stephens Warren, Clinton, which was adopted.

Senator Bland offered Senate Resolution No. 1246, regarding the Paradise Missionary Baptist Church, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1247, regarding the Boys and Girls Clubs of Greater Kansas City and guests Muhammad and Lonnie Ali, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1041**-By Flotron.

An Act to repeal sections 34.070, 34.073, 37.020 and 575.060, RSMo 1994, and sections 34.040 and 34.046, RSMo Supp. 1999, relating to the office of administration, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

**SB 1042**-By Flotron.

An Act to amend chapter 144, RSMo, relating to sales and use taxation by adding thereto one new section relating to bullion and investment coins.

**SB 1043**-By Mathewson.

An Act to amend chapter 570, RSMo, relating to stealing by adding thereto one new section relating to stealing services, with penalty provisions.

**THIRD READING OF SENATE BILLS**

**SCS** for **SB 756**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE BILL NO. 756**

An Act to repeal sections 273.327, 273.333 and 273.357, RSMo 1994, relating to animal care facilities, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 756** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	DePasco
Flotron	Goode	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Russell	Schneider	Scott	Sims
Singleton	Staples	Stoll	Wiggins--20
NAYS--Senators			
Childers	Ehlmann	Graves	House
Kenney	Kinder	Klarich	Quick
Rohrbach	Steelman	Westfall	Yeckel--12
Absent--Senator Bentley--1			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### REFERRALS

President Pro Tem Quick referred the Gubernatorial Appointments appearing on pages 299-300 of the Senate Journal for Tuesday, February 22, 2000, to the Committee on Gubernatorial Appointments.

President Pro Tem Quick referred **SCR 27**, **HCR 10** and **HCR 17** to the Committee on Rules, Joint Rules and Resolutions.

### THIRD READING OF SENATE BILLS

**SB 816**, introduced by Senator Stoll, entitled:

An Act to repeal section 169.070, RSMo Supp. 1999, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 816** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

#### NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Vacancies--1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 804**, introduced by Senator Yeckel, entitled:

An Act to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one

new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 804** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 727**, introduced by Senators Goode and Bentley, entitled:

An Act to repeal section 610.021, RSMo Supp. 1999, relating to records of municipal utilities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **SB 727** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 740**, introduced by Senator Wiggins, entitled:

An Act to repeal section 29.230, RSMo Supp. 1999, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Wiggins moved that **SB 740** be read the 3rd time and finally passed.

At the request of Senator Wiggins, the above motion was withdrawn.

### **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 618**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Maxwell, Chairman of the Committee on Commerce and Environment, Senator Quick submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 803**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SJR 53**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1114**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **SENATE BILLS FOR PERFECTION**

Senator House moved that **SB 813** be taken up for perfection, which motion prevailed.

Senator House offered **SS** for **SB 813**, entitled:

#### **SENATE SUBSTITUTE FOR**

#### **SENATE BILL NO. 813**

An Act to repeal section 85.011, RSMo 1994, relating to discipline of law enforcement officers, and to enact in lieu thereof one new section relating to the same subject.

Senator House moved that **SS** for **SB 813** be adopted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 813, Section 85.011, Page 2, Line 19, by inserting after the period at the end of said line the following: "**The state shall reimburse municipalities for any new or increased activities or service beyond that required by existing law as required by Article X, Section 21 of the Missouri Constitution.**".

Senator Childers moved that the above amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, DePasco, Jacob and Russell.

**SA 1** was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mathewson	Mueller	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Westfall	Yeckel--18		
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Maxwell	Quick	Schneider
Stoll	Wiggins--14		
Absent--Senator Scott--1			
Absent with leave--Senators--None			
Vacancies--1			

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 17, by inserting before the word "any" the following: "**Notwithstanding any provision of law to the contrary,**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 14 of said page, by inserting immediately after the word "section" the following: ", **or any municipality that has adopted similar written discipline appeal procedures**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Lines 4, 5 and 6, by deleting all of lines 4, 5 and 6 on page 2 and insert in lieu thereof "**action**. At any such meeting the".

Senator Russell moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Jacob, Kenney, Kinder and Russell.

**SA 4** was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Howard	Kenney	Kinder
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Westfall	Yeckel--18		
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Goode	House	Jacob	Johnson
Mathewson	Maxwell	Schneider	Stoll
Wiggins--13			
Absent--Senators			
Klarich	Quick--2		
	Absent with leave--Senators--None		
	Vacancies--1		

Senator Russell offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 813, Section 85.011, Page 1, Lines 10 and 11, by removing the brackets on said lines; and

Further amend said bill, Section 85.011, page 2, lines 16 and 17, by removing the brackets on said lines.

Senator Russell moved that the above amendment be adopted.

At the request of Senator House, **SB 813**, with **SS** and **SA 5** (pending), was placed on the Informal Calendar.

#### REFERRALS

President Pro Tem Quick referred **SB 618** to the Committee on State Budget Control.

#### RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1248, regarding Kenneth A. Kleinberg, Bellefontaine Neighbors, which was adopted.

Senator Graves offered Senate Resolution No. 1249, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Dallas Hollenbeck, Bogard, which was adopted.

Senator Graves offered Senate Resolution No. 1250, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eldon Dreher, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1251, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Merrill Greer, Bucklin, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Wiggins introduced to the Senate, Tom McClanahan, Tim Ritz, Pat Zuk, Denny Bush, Jim Berry, Steve Sears, Joe Neenan and members of the St. Elizabeth Cub Scout Troop, Kansas City; and Alex Berry, Colin Cicchetti, Andrew Maggard, Michael McClanahan, Nathan Neenan, William Wesley, Sam Weidman, Alex Bryant, Andrew Bush, Kenny Jenkins, Andrew Leis, David Ritz, Steven Lorenz, Joe O'Neill, Keith Sears, Matthew Weber and Keegan Zuk were made honorary pages.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. Ben Soeter, M.D., and Dr. Kirby Turner, M.D., Poplar Bluff.

On behalf of Senator Westfall and himself, Senator Russell introduced to the Senate, Ron Locke, Roberta Bright and Martha Lewis, Long Lane; Gary Naylor, Judy Hargis, Margaret Matthews, Tony DeTrollo, Darlene Johnson, Charlotte Prater, Ardith Syfert and Jeanie Werner, Buffalo; Dayle Nelson, Louisburg; James Small, Lebanon; and Deanna Stuckey, Tunas.

Senator Mueller introduced to the Senate, Michele Meyer and Jo Curran, St. Louis County.

Senator Maxwell introduced to the Senate, Doug Trembath and Hank Milius, Mexico.

Senator Westfall introduced to the Senate, Leslie Ehnis, Wilma Jean Lower, Josephine Johnson and Leila Ellis, Cedar County.

Senator Sims introduced to the Senate, Midge Crieder, Aranza Winkelman, Mary Beth Shields, Eileen Frese, Deirdre Brown, Cori Darvish, Leslie Foran and Terrie Young, St. Louis County; and Patty Hofer and Jeannie Citerman-Kroeger, St. Louis.

Senator Johnson introduced to the Senate, Monica Bolin, Cindy Hausman, Christina Lund, Nancy Kirby, Patty Waitkoss and Leigh Ann Dunn, St. Joseph.

Senator Westfall introduced to the Senate, Mike Peters and Ann Meuser, Springfield.

Senator Westfall introduced to the Senate, Rob Springer and members of the Aurora High School Band, Aurora.

Senator Wiggins introduced to the Senate, James C. Widen, Kansas City.

Senator Clay introduced to the Senate, former State Senator John Bass, Bessie Reece, Elizabeth Moore, Wilma Chestnut House, Larry and Marilyn Parker, Janice Davis and Ray Campbell, members of Missouri Council of the Blind.

Senator Howard introduced to the Senate, Gary Pogue, Tracy Fish, Jennifer Smith, Darrell Reynolds, Michael Carter, Jessica Hastings and Robert Rowley, Puxico; and Tracy, Jennifer, Darrell, Michael, Jessica and Robert were made honorary pages.

Senator Childers introduced to the Senate, Mary Gandy, Kimberling City; Conor Hall, Crane; Bill Atchison and



Richard Brunken, McCord Bend; Lee Young, John C. Hedrick and Tony DeLong, Galena.

Senator Sims introduced to the Senate, Dr. David Kantor, D.O., Dr. Basima Williams, D.O., Dr. Michael Williams, D.O., Dr. Shannon Pedersen, D.O., Dr. Jennifer Hosto, D.O., Dr. Larry Otehan, D.O., Jackie Turner, Dr. Lee Parks, D.O., Dr. Jeff Kerr, D.O., Dr. Mel Saltzman, D.O. and Dr. Allen Weaver, D.O.

Senator Staples introduced to the Senate, Shannon and Mike Ennis, Eminence.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTIETH DAY--THURSDAY, FEBRUARY 24, 2000**

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Reverend Carl Gauck offered the following prayer:

"As a man thinks in his heart, so is he." (Proverbs 23:7)

Creator, Redeemer of this world, hear our prayer this day as we prepare to finish up our work and head home to be with loved ones and family. Let us be mindful that You are the Creator and we are the creature. You have created us so that we might be comforted knowing that we are just men and women, husbands and wives, fathers and mothers called to be interdependent with one another and therefore in need of one another to be made whole by thinking no more of ourselves than we should. Help us use this time for rest and recreation, doing all things in moderation. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Quick--1			
Vacancies--1			
The Lieutenant Governor was present.			

President Wilson assumed the Chair.

## RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1255, regarding Colin Lovett, Manchester, which was adopted.

Senator Bentley offered Senate Resolution No. 1256, regarding Michael George Abraham, Kansas City, which was

adopted.

Senator Maxwell offered Senate Resolution No. 1257, regarding the One Hundredth Anniversary of Shelbina Chapter #159, Order of the Eastern Star, which was adopted.

Senator Maxwell offered Senate Resolution No. 1258, regarding Dr. Jack Coleman, Monroe City, which was adopted.

Senator Maxwell offered Senate Resolution No. 1259, regarding William Harold Hitchcock, Jr., Paris, which was adopted.

Senator Maxwell offered Senate Resolution No. 1260, regarding Sandra E. Ewart, Alexandria, which was adopted.

Senator Clay offered Senate Resolution No. 1261, regarding Ms. Dwanna Darden, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1262, regarding Libba Crisler, New Madrid, which was adopted.

Senator Howard offered Senate Resolution No. 1263, regarding Marsha Bradfield, Portageville, which was adopted.

Senator Howard offered Senate Resolution No. 1264, regarding Garland Butler, Portageville, which was adopted.

Senator Howard offered Senate Resolution No. 1265, regarding John Klipfel, Portageville, which was adopted.

Senator Howard offered Senate Resolution No. 1266, regarding Marie Hunter, New Madrid, which was adopted.

Senator Howard offered Senate Resolution No. 1267, regarding Dempsey Lee Craft, New Madrid, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Westfall offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 28**

WHEREAS, a petition is being circulated to radically change Missouri law with respect to the regulation of outdoor advertising signs; and

WHEREAS, every year since 1995, the General Assembly has enacted legislation increasing the restrictions on outdoor advertising signs; and

WHEREAS, after reaching a reasonable compromise agreement that met with the approval of both the advertising industry and citizens interested in scenic beauty, in 1999 the General Assembly made several changes further restricting outdoor advertising signs; and

WHEREAS, outdoor advertising signs have already been reduced from over 40,000 signs in 1968 to approximately 13,500 this year, and will eventually be further reduced under the current statute; and

WHEREAS, the outdoor advertising industry in this state employs 500 people directly, and 5,000 people indirectly; and annually pays over \$17.5 million in payroll and \$12 million in lease payments to landowners; and

WHEREAS, tourism and travel related services use 70% of the outdoor advertising signs; and

WHEREAS, at \$12 billion a year, with over 200,000 employees, Missouri tourism is one of the top three industries in the state; and

WHEREAS, the proposed petition goes too far and would require the expenditure of millions of tax dollars to condemn and remove signs, and would prevent the routine removal of vegetation growing up in front of existing signs, and would have a deleterious impact on the tourism industry in Missouri, and on rural landowners who depend on lease payments:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby find no justification at this time for further statutory changes related to the outdoor advertising industry in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Karl Kruse,

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 1044**-By Goode.

An Act to repeal sections 375.1300, 375.1303, 375.1306 and 375.1309, RSMo Supp. 1999, relating to personal information, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

**SB 1045**-By Caskey.

An Act to repeal sections 478.117 and 478.570, RSMo 1994, relating to circuit courts, and to enact in lieu thereof three new sections relating to the same subject.

**SB 1046**-By Sims.

An Act to repeal section 451.090, RSMo 1994, relating to marriage licenses', and to enact in lieu thereof one new section relating to the same subject.

**SB 1047**-By Rohrbach, Jacob, Goode and Bentley.

An Act to repeal section 565.020, RSMo 1994, relating to certain criminal procedures, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SJR 55**-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, and adopting one new section relating to funds administered by the department of natural resources.

## SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 721**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 721**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 721

An Act to repeal sections 209.251, 209.253, 209.255, 209.258 and 209.259, RSMo Supp. 1999, relating to telecommunications for persons with disabilities, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 721** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 721** was declared perfected and ordered printed.

Senator Staples moved that **SB 545**, **SB 628**, **SB 647**, **SB 728**, **SB 834** and **SB 832**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 545**, **628**, **647**, **728**, **834** and **832**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 545, 628, 647, 728, 834 and 832

An Act to repeal section 301.144 as enacted by house committee substitute for senate substitute for senate bill no. 3 and as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 70, first regular session, 88th general assembly and 301.464, RSMo Supp. 1999, relating to license plates, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Staples moved that SCS for SBs 545, 628, 647, 728, 834 and 832 be adopted.

Senator Staples offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 545, 628, 647, 728, 834 and 832, Page 1, Section 301.144, Line 3, by striking "six" and inserting in lieu thereof the following: "[six] **seven**"; and

Further amend said bill, page 6, Section 301.480, line 13, by inserting immediately after "person." the following: **"Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section."**; and

Further amend said bill, page 7, Section 301.3041, Line 17, by inserting after "owns," the following: **"other than an"**; and

Further amend said bill, page 8, Section 301.3051, Line 32, by inserting at the end of said line the following: **"Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section."**

Senator Staples moved that the above amendment be adopted.

At the request of Senator Staples, SA 1 was withdrawn.

Senator Steelman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 545, 628, 647, 728, 834 and 832, Page 6, Section 301.480, Line 21, by inserting after all of said line the following:

**"301.3030. 1. Any person may receive special license plates with words and an emblem which denotes respect for human life both before and after birth, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".**

**2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE", shall bear an image of a single red rose placed on the plate in a conspicuous manner, and shall have a background with a color scheme chosen to complement and highlight the words "RESPECT LIFE" and the image of the red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.**

**3. The contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents which may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.**

**4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of twenty-five dollars is made for each set of respect life license plates.**

**5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates which are not respect life license plates, as otherwise provided by law.**

**6. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund is used.**

**7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to this section.**

**8. There is hereby created in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:**

**(1) Moneys that may be required by law to be credited to or deposited in such fund;**

**(2) Moneys that may be appropriated to it by the general assembly;**

**(3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards or from federal, state or local sources; and**

**(4) Any other sources granted or given for this specific purpose.**

**9. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings which result from the investment of moneys in the Missouri alternatives to abortion support fund shall be credited to such fund.**

**10. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium, shall not apply to the Missouri alternatives to abortion support fund.**

**11. Moneys credited to and deposited in the fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.**

**12. Until the amount in the Missouri alternatives to abortion support fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund credited to the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.**

**13. The purpose of the Missouri alternatives to abortion support fund is to provide and promote alternatives to abortion services by grants to, or contracts with, those private agencies which are:**

- (1) Established and operating primarily to provide alternatives to abortion services, and which do not perform or refer for abortions;
- (2) Located in this state; and
- (3) Exempt from income taxation pursuant to the United States Internal Revenue Code.

14. As used in this section, "alternatives to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption.

15. Unless otherwise provided by law, the general assembly may, for the purposes authorized pursuant to this section, appropriate moneys from the Missouri alternatives to abortion support fund to:

- (1) The office of administration;
- (2) The fifteen administrative departments; or
- (3) Any board, bureau, commission or other agency of the state exercising administrative or executive authority."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Steelman offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 545, 628, 647, 728, 834 and 832, Page 1, Section 301.3030.2, by deleting on lines 2 and 3 of such section, the words "shall bear an image of a single red rose placed on the plate in a"; and

Further amend such amendment, page 2, lines 1-3, by deleting said lines and replacing in lieu thereof, the following: "Such license plates shall".

Senator Steelman moved that the above amendment be adopted, which motion prevailed on a standing division vote.

SA 2, as amended, was again taken up.

Senator Kinder requested a roll call vote be taken on the adoption of SA 2, as amended, and was joined in his request by Senators Klarich, Kenney, Ehlmann and Steelman.

SA 2, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Kenney	Kinder	Klarich
Mathewson	Mueller	Rohrbach	Russell
Schneider	Stoll	Wiggins	
Yeckel--21			
NAYS--Senators			

Bland	Clay	Goode	Jacob
Johnson	Maxwell	Staples	Westfall--8
	Absent--Senators		
Scott	Sims	Singleton--3	
	Absent with leave--Senator Quick--1		
	Vacancies--1		

At the request of Senator Staples, **SB 545, SB 628, SB 647, SB 728, SB 834 and SB 832**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Maxwell moved that **SB 741** be taken up for perfection, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Klarich offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 741, Page 1, Section A, Line 8, by inserting after all of said line the following:

"247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds, or if any such bonds are outstanding, that the written consent of the holders thereof is obtained, except such consent shall not be required for special obligation bonds if the district has no waterlines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....

COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR

TERRITORIAL DETACHMENT FROM

PUBLIC WATER SUPPLY DISTRICT NO. ....

OF ..... COUNTY, MISSOURI.



To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the ..... day of ....., 19 ..., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of

..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

**7. In a county of the first classification with a noncharter form of government having a population of more than ninety thousand inhabitants and any county immediately adjacent to such county, if any property currently receives service from a water district but the property owner desires to be excluded from such district, then the owner may elect to be removed from the affected water district. If such election occurs and the district has already incurred expenses to provide service to the property, then the property owner must compensate the affected water district in the same amount as set forth in section 247.170."; and**

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **SB 741**, as amended, was declared perfected and ordered printed.

Senator Howard moved that **SB 763**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 763**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 763

An Act to amend chapter 407, RSMo, by adding thereto seven new sections relating to telemarketing.

Was taken up.

Senator Howard moved that **SCS** for **SB 763** be adopted.

Senator Howard offered **SS** for **SCS** for **SB 763**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 763

An Act to repeal section 407.020, RSMo Supp. 1999, relating to telecommunications merchandising practices, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions and a contingent expiration date for certain sections.

Senator Howard moved that **SS** for **SCS** for **SB 763** be adopted.

At the request of Senator Howard, **SB 763**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Caskey moved that **SB 934**, **SB 546**, **SB 578**, **SB 579** and **SB 782**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 2** for **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 2** for **SA 3**, as amended, was again taken up.

At the request of Senator Goode, the above substitute amendment was withdrawn.

**SA 3** was again taken up.

At the request of Senator Howard, the above amendment was withdrawn.

**SS** for **SCS** for **SBs 934, 546, 578, 579** and **782** was again taken up.

At the request of Senator Caskey, **SS** for **SCS** for **SBs 934, 546, 578, 579** and **782** was withdrawn.

Senator Caskey offered **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR

## SENATE BILLS NOS. 934, 546, 578, 579 and 782

An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.304, 302.505, 302.540, 304.012, 577.001, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579 and 782** be adopted.

At the request of Senator Caskey, **SB 934, SB 546, SB 578, SB 579 and SB 782**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

## INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 1048**-By Mathewson.

An Act to repeal sections 100.286, 135.220, 135.235, 135.411, 135.420, 135.423, 135.429, 178.892, 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 620.470 and 620.474, RSMo 1994, sections 135.110, 135.115, 135.150, 135.225, 135.230, 135.240, 135.245, 135.247, 135.250, 135.258, 135.400, 135.403, 135.405, 135.430, 135.475, 135.478, 135.484, 135.487, 135.545, 135.700, 135.766, 144.010, 144.030, 208.750, 348.300, 348.302, 447.708, 620.478, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1560, RSMo Supp. 1999, sections 135.100, 135.200 and 135.535, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof forty-four new sections relating to the same subject, with an effective date.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 642**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 27, Page 294, Column 1 of the Senate Journal for Tuesday, February 22, 2000, Line 17, by striking the word "and"; and

Further amend said resolution, Page 294, Column 1, Line 19, by inserting after all of said line the following:

"BE IT FURTHER RESOLVED that the Missouri General Assembly requests the United States Department of Agriculture to form a task force, a majority of the members being actual farmers and ranchers, to review and recommend changes in the Packers and Stockyards Act; and".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 830**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 876**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SCS** for **SBs 757** and **602**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1742**, entitled:

An Act to repeal sections 142.345, 226.133 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, relating to bonding for transportation, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator DePasco, the Senate recessed until 12:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator DePasco.

### INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 1049**-By Caskey, House, Singleton, Flotron and Ehlmann.

An Act to repeal section 393.130, RSMo 1994, relating to charges for water service, and to enact in lieu thereof one new section relating to the same subject.

### INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Betsy Phillips, Harrisonville.

Senator Goode introduced to the Senate, Barney Mueller, St. Louis.

Senator Bentley introduced to the Senate, Russell Rhodes, Springfield.

Senator DePasco introduced to the Senate, Casey Reeves and Shannon Russell, Sun City, California; and Judy Glantz and Kathy Pickering, Kansas City; and Casey and Shannon were made honorary pages.

Senator Staples introduced to the Senate, Mayor Ralph Beckerman, St. Genevieve.

The President introduced to the Senate, Liz, Darryl and Andi Wilkinson, Gallatin.

Senator Caskey introduced to the Senate, Jim and Jessica Jackson, Warrensburg.

Senator Westfall introduced to the Senate, Cate Hicks, Jim Spencer, Craig Grisham and members of the Aurora FFA, Aurora.

Senator Mueller introduced to the Senate, Leslie Mathieu, Kristen Painter, Cindy Andrews and fourth grade students from Robinson Elementary School, Kirkwood; and Austin

Comfort, Blaze Davis, Niki Catapano and Devonna Smith were made honorary pages.

Senator Westfall introduced to the Senate, Christopher Camp, Laura Goodpasture and Mr. and Mrs. Fred Lotz, Stockton; and Billie Branstetter, Humansville.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D., St. Louis.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 28, 2000.

# Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY--MONDAY, FEBRUARY 28, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 119:81: "My soul has longed for your salvation; and I have put my hope in Your Word."

Gracious God, Your word has touched our souls this weekend and given us hope in Your teachings. May Your Word guide our thoughts and actions and direct us in our meetings and interactions with others. Watch over us this week and bless us with Your grace to strengthen our faith and our service to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 24, 2000, was read and approved.

Senator Johnson assumed the Chair.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senators--None			
Vacancies--1			
The Lieutenant Governor was present.			

## RESOLUTIONS

Senator Bland offered Senate Resolution No. 1268, regarding Dr. Clifford A. Jackson, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1269, regarding the death of J. Reuben Benton, Kansas City, which was adopted.

Senator Maxwell offered Senate Resolution No. 1270, regarding Cheryl L. White, Paris, which was adopted.

Senator Wiggins offered Senate Resolution No. 1271, regarding Bishop Michael McAuliffe, Jefferson City, which was adopted.

Senator Clay offered Senate Resolution No. 1272, regarding the death of Bertha Berghoefer Pfautch, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 1273, regarding the One-Hundredth Birthday of Lora L. Greer, Butler, which was adopted.

Senator Mueller offered Senate Resolution No. 1274, regarding Lauren Marie Schweiss, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1275, regarding Rachel McLaughlin, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1276, regarding Rikki Streeter, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1277, regarding Ryan Lauer, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1278, regarding John Bielefeld, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1279, regarding Jeanne VanArtsdalen, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1280, regarding Ann Stoverink, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1281, regarding Stephen Campbell, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1282, regarding Nicholas A. Clark, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1283, regarding Jenny Pancer, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1284, regarding Matt Syron, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1285, regarding Jennifer Armstrong, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1286, regarding Melody Joy Richardson, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1287, regarding Ashley Uhlenbrock, Fenton, which was adopted.

Senator Graves offered Senate Resolution No. 1288, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert Dewain Hagan, Princeton, which was adopted.

Senator Stoll offered Senate Resolution No. 1289, regarding the Friends of the Libraries, which was adopted.

Senator Bentley offered Senate Resolution No. 1290, regarding the late William "Payne" Stewart, which was adopted.

Senator Westfall offered Senate Resolution No. 1291, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas James Neill, Bolivar, which was adopted.

Senator Mueller offered Senate Resolution No. 1292, regarding Sara Watkins-Torrey, Manchester, which was adopted.

Senator Jacob offered Senate Resolution No. 1293, regarding Rhonda Allen and Jon Chevalier, Hartsburg, which was adopted.

Senator Staples offered Senate Resolution No. 1294, regarding Bradley Warren "Brad" McIntire, Viburnum, which was adopted.

Senator Staples offered Senate Resolution No. 1295, regarding Thomas James "T.J." Yanske, Viburnum, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1050**-By House.

An Act to repeal section 190.055, RSMo Supp. 1999, relating to ambulance district board members, and to enact in lieu thereof one new section relating to the same subject.

**SB 1051**-By Staples.

An Act to repeal sections 303.025 and 303.409, RSMo Supp. 1999, relating to motor vehicle financial responsibility, and to enact in lieu thereof two new sections relating to the same subject.

**SB 1052**-By Goode and Bland.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to community development.

**SB 1053**-By Goode, Clay and Bland.

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

**SB 1054**-By Clay.

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to the underground railroad.

**SB 1055**-By Kenney.

An Act to repeal section 409.401, RSMo Supp. 1999, relating to regulation of securities, and to enact in lieu thereof four new sections relating to the same subject.

**SB 1056**-By Howard.

An Act to repeal section 115.617, RSMo 1994, relating to election authorities, and to enact in lieu thereof one new section relating to the same subject.

**SB 1057**-By Rohrbach.

An Act to repeal section 233.295, RSMo 1994, relating to road districts and to enact in lieu thereof one new section relating to the same subject.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 741** and **SCS for SB 721**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:



Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 924**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 801**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 542**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 753**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Public Health and Welfare, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 921**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 976**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 985**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 985, Page 2, Section 2, Line 2, by inserting at the end of said line the following: "**The instrument of conveyance shall reserve a reversionary interest in the state of Missouri if the Optimist Club Foundation of Mexico, Missouri, Inc. ceases to use the property described in section 1 of this act. In addition, the instrument of the conveyance shall contain such other restrictions, reversionary clauses, and conditions as are deemed necessary to protect the interest of the state.**".

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

#### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1114**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

Was taken up by Senator Goode.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

On motion of Senator Goode, **HCS** for **HB 1114** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Klarich
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	Graves	Howard	Kenney
Kinder	Maxwell	Singleton	Steelman--8
Absent--Senators--None			
Absent with leave--Senator Mueller--1			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SB 996**, introduced by Senator DePasco, entitled:

An Act to repeal section 570.120, RSMo 1994, relating to stealing and related offenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 996** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell

Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Howard	Rohrbach--2		
	Absent--Senators--None		
	Absent with leave--Senator Mueller--1		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

**SB 997**, introduced by Senator Caskey, entitled:

An Act to repeal section 473.340, RSMo 1994, relating to trusts and estates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 997** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Singleton--1		
	Absent--Senators--None		
	Absent with leave--Senator Mueller--1		
	Vacancies--1		

Senator Johnson assumed the Chair.

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 789**, introduced by Senator Mathewson, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 789** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
NAYS--Senators			
Caskey	Maxwell	Singleton	Westfall--4
Absent--Senator Quick--1			
Absent with leave--Senator Mueller--1			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 842**, with **SCS**, introduced by Senator Flotron, entitled:

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to certain fire protection districts, with an emergency clause.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 842**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 842

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to certain fire protection districts, with an emergency clause.

Was taken up.

Senator Wiggins assumed the Chair.

Senator Flotron moved that **SCS** for **SB 842** be adopted, which motion prevailed.

On motion of Senator Flotron, **SCS** for **SB 842** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

Vacancies--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Vacancies--1

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 946**, introduced by Senator Johnson, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 1994, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

Senator Mathewson assumed the Chair.

On motion of Senator Johnson, **SB 946** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	House	Jacob	Johnson
Kenney	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Staples
Steelman	Stoll	Wiggins	Yeckel--24
	NAYS--Senators		
Graves	Howard	Klarich	Mueller
Rohrbach	Sims	Singleton	Westfall--8
	Absent--Senator Kinder--1		
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 868**, with **SCS**, introduced by Senator Stoll, entitled:

An Act to repeal section 249.470, RSMo Supp. 1999, relating to countywide wastewater treatment authorities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Johnson assumed the Chair.

**SCS** for **SB 868**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 868

An Act to repeal section 249.470, RSMo Supp. 1999, relating to countywide wastewater treatment authorities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **SB 868** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 868** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		

Absent--Senator Singleton--1  
Absent with leave--Senators--None  
Vacancies--1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SRB 1001**--Rules, Joint Rules and Resolutions.

**SRB 1002**--Rules, Joint Rules and Resolutions.

**SB 1003**--Public Health and Welfare.

**SB 1004**--Judiciary.

**SB 1005**--Insurance and Housing.

**SB 1006**--Civil and Criminal Jurisprudence.

**SB 1007**--Ways and Means.

**SB 1008**--Commerce and Environment.

**SB 1009**--Local Government and Economic Development.

**SB 1010**--Public Health and Welfare.

**SB 1011**--Insurance and Housing.

**SB 1012**--Labor and Industrial Relations.

**SB 1013**--Pensions and General Laws.

**SB 1014**--Ways and Means.

**SB 1015**--Pensions and General Laws.

**SB 1016**--Ways and Means.

**SB 1018**--Local Government and Economic Development.

**SB 1019**--Insurance and Housing.

**SB 1020**--Transportation.

**SB 1021**--Local Government and Economic Development.

**SB 1022**--Pensions and General Laws.

**SB 1023**--Local Government and Economic Development.

**SB 1024**--Public Health and Welfare.

**SB 1025**--Civil and Criminal Jurisprudence.

**SB 1026**--Ways and Means.

**SB 1027**--Public Health and Welfare.

**SB 1028**--Labor and Industrial Relations.

**SB 1029**--Judiciary.

**SB 1030**--Aging, Families and Mental Health.

**SB 1031**--Civil and Criminal Jurisprudence.

**SB 1032**--Commerce and Environment.

**SB 1033**--Financial and Governmental Organi-zation.

**SB 1034**--Public Health and Welfare.

**SB 1035**--Commerce and Environment.

**SB 1036**--Local Government and Economic Development.

**SB 1037**--Local Government and Economic Development.

**SB 1038**--Civil and Criminal Jurisprudence.

**SB 1039**--Insurance and Housing.

**SB 1040**--Education.

**SB 1041**--Financial and Governmental Organi-zation.

**SB 1042**--Ways and Means.

**SB 1043**--Civil and Criminal Jurisprudence.

**SB 1044**--Insurance and Housing.

**SB 1045**--Civil and Criminal Jurisprudence.

**SB 1046**--Aging, Families and Mental Health.

**SB 1047**--Civil and Criminal Jurisprudence.

**SB 1048**--Local Government and Economic Development.



**SB 1049**--Civil and Criminal Jurisprudence.

**SJR 55**--Commerce and Environment.

## **REFERRALS**

President Pro Tem Quick referred **SCR 28** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SB 741**; **SS No. 2** for **SCS** for **SBs 757** and **602**; **SCS** for **SB 721**; and **SB 642** to the Committee on State Budget Control.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Maxwell, Chairman of the Committee on Commerce and Environment, Senator DePasco submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 555**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard H. Dahl, 209 Amador Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry D. Dorrell, PhD, Democrat, 800 East Market, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cassandra C. Herrman, Democrat, 10411 Audubon Place, Post Office Box 744, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha E. Hildebrandt, 7112 Boucher, Liberty, Clay County, Missouri 64068, as a member of the Well Installation Board, for a term ending February 24, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert F. Lawrence, Route 3, Steele, Pemiscot County, Missouri 63877, as a member of the Well Installation Board, for a term ending February 24, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert M. Robuck, Democrat, 1011 Carol Street, Jefferson City, Cole County, Missouri 65101, as a member of the State Banking Board, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, Corwin Ruge, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Fred R. Schoen, 1680 Highway H, Monett, Lawrence County, Missouri 65708, as a member of the Well Installation Board, for a term ending February 24, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Annetta E. St. Clair, 4363 Annetta Lane, Joplin, Newton County, Missouri 64804, as a member of the Well Installation Board, for a term ending February 24, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **RESOLUTIONS**

Senator Rohrbach offered Senate Resolution No. 1296, regarding Mary Magers, Eugene, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Ehlmann introduced to the Senate, the Honorable Lucy Rauch and Elizabeth Rauch, St. Charles County.

Senator Graves introduced to the Senate, Jack, Treva and Polly Burgener; Dave, Sarah, Ben, Sam, Tim and Dan Montgomery, Holt.

Senator Westfall introduced to the Senate, Mark and Diane Besser, Bolivar.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-SECOND DAY--TUESDAY, FEBRUARY 29, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 139:18: "When I awake, I am still with Thee."

Gracious God, You know how often many of us awaken in the midst of the night knowing there is yet more to get done. We feel the pressures to be on top of all that comes our way. We know fatigue from not enough sleep and working too many hours. But there is comfort knowing You are with us; Your grace is sufficient for us to deal with what comes our way, and Your desire for us to know our limitations and do all things in moderation. Help us and remind us of Your presence and will for us dear God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1058**-By Singleton.

An Act to repeal section 43.080, RSMo 1994, relating to the highway patrol.

**SB 1059**-By Westfall.

An Act to authorize the conveyance of state property to the city of Nevada, Missouri.

**SB 1060**-By Yeckel.

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to appellate procedure.

**SB 1061**-By DePasco.

An Act to repeal sections 144.030 and 144.805, RSMo Supp. 1999, relating to sales and use tax exemption for aviation jet fuel for airlines headquartered in Missouri, and to enact in lieu thereof one new section relating to the same subject.

## **REPORTS OF STANDING COMMITTEES**

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, sub-mitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 915**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 896**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 29, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joan M. Crawford, Republican, 4831 Margarett, St. Louis City, Missouri 63115, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2001, and until her successor is duly appointed and qualified; vice, Velma Martin, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 29, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Floyd A. Kimbrough, Democrat, 6171 Garesche Avenue, St. Louis City, Missouri 63136, as a member and Chair of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, Nanette A. Baker, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**SENATE BILLS FOR PERFECTION**

Senator Howard moved that **SB 558**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 558**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 558

An Act to repeal section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Howard moved that **SCS** for **SB 558** be adopted.

Senator Westfall offered **SA 1**:

SENATE AMENDMENT NO. 1



Amend Senate Committee Substitute for Senate Bill No. 558, Page 12, Section 278.080, Line 166, by inserting after said line the following:

"278.130. 1. The soil and water supervisors of any soil and water district shall not:

- (1) Have or exercise the right of eminent domain;
- (2) Incur indebtedness beyond available funds;
- (3) Issue bonds;
- (4) Levy taxes;
- (5) Make or levy benefit assessments or any other kind of assessments;
- (6) Take contributions from that soil and water district by exactions or persuasions;
- (7) Engage in the marketing of farm products or in the buying and selling of farm supplies other than those products or supplies used or needed directly or indirectly in soil and water conservation work, **subject to section 278.135**;
- (8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.

2. They may accept voluntary contributions from any source, if the donations are offered for the sole and exclusive purpose of promoting the saving of soil and water within the soil and water district, and if the soil and water supervisors satisfactorily guarantee to the donors the faithful use of their donations for that purpose.

**278.135. 1. Prior to the marketing or buying and selling of farm products used directly or indirectly in soil and water conservation by a soil and water district, such district shall receive approval for the activity from the state soil and water districts commission.**

**2. The commission shall consider requests and grant approval only upon finding that the products being marketed, bought and sold are:**

- (1) Reasonably related to soil and water conservation; and**
- (2) Not readily available in the area.**

**The commission shall publish notice of the request by the district in a paper of general circulation in the district's area. The commission shall consider written comments from concerned citizens and businesses in making its determination.**

**3. The commission shall enact rules to allow districts that currently have an inventory of products to sell that inventory within a reasonable time, pending approval of the district's request to market or buy and sell those products. In no manner does this allow the districts to restock or replenish their inventory until they have received approval from the commission.**

**4. The commission is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held**

**unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."**; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **SB 558**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 558**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 597**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 597**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 597

An Act to repeal section 453.030, RSMo Supp. 1999, relating to adoption, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Steelman moved that **SCS** for **SB 597** be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 597, Page 3, Section 453.030, Line 22, by adding after the word "child." the following: "**Such person shall be advised of the effect of his signature and the legal consequences thereof following the signature of the consent.**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 597, Page 3, Section 453.030, Lines 22-28, by deleting all bold-faced language on said lines; and

Further amend said bill, said section, pages 3 through 5, lines 34-97, by striking all bold-faced language and all opening "[" and closing "]" brackets on said lines.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Steelman, **SB 597**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Quick referred **SB 617** and **SB 646**, with **SCS**, to the Committee on State Budget Control.

**RESOLUTIONS**

Senator Caskey offered Senate Resolution No. 1297, regarding Mindy Bullard, Warrensburg, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

**RESOLUTIONS**

Senator Jacob offered Senate Resolution No. 1298, regarding Tyler Cook, Fayette, which was adopted.

Senator Bentley offered Senate Resolution No. 1299, regarding Linda L. Duncan, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1300, regarding Blaine Allen Kennedy, Springfield, which was adopted.

Senator Kenney offered Senate Resolution No. 1301, regarding the Fiftieth Anniversary of the American Business Women's Association, which was adopted.

**THIRD READING OF SENATE BILLS**

**SB 725**, introduced by Senator Graves, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to roadside maintenance.

Was called from the Consent Calendar and taken up.

On motion of Senator Graves, **SB 725** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Howard	Staples
Stoll--5			
Absent with leave--Senators--None			
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

### **SENATE BILLS FOR PERFECTION**

Senator Caskey moved that **SB 934, SB 546, SB 578, SB 579 and SB 782**, with **SCS and SS No. 2 for SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2 for SCS for SBs 934, 546, 578, 579 and 782** was again taken up.

Senator Clay offered **SA 1**:

### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 26, Section 577.600, Line 21 of said page, by inserting after all of said line the following:

**"Section 1. Each time a peace officer stops a driver of a motor vehicle, the officer shall report the following information to the agency or department which employs the officer:**

- (1) The age, gender, and race of the individual stopped;**
- (2) The location of the stop;**
- (3) The violation or violations alleged to have led to the stop;**
- (4) Whether a search was conducted;**
- (5) If there was a search:**
  - (a) Whether consent was obtained;**
  - (b) The probable cause for the search, whether the person was searched, whether property was searched and the duration of the search; and**
  - (c) The nature and type of any contraband discovered;**
- (5) Whether any warning or citation was issued and the nature of such warning or citation; and**
- (6) Whether an arrest was made and, if so, the nature of any charge.**

**Section 2. Each law enforcement agency shall adopt a policy which prohibits any peace officer which it employs to routinely stop members of minority groups for possible violations of motor vehicle laws, without probable cause and as a pretext for investigating other violations of criminal laws. Each such agency shall review the reports required pursuant to section 1 of this act to determine whether any peace officer has demonstrated a pattern of disproportionately stopping minorities for violations without adequate probable cause and, if so, shall:**

- (1) Identify the officer in the report required in section 3 of this act;**
- (2) Reassign the officer to minimize contact with minorities until the officer has completed training and counseling; and**
- (3) Require the officer to complete appropriate training and counseling within ninety days of the review.**

**Section 3. Each law enforcement agency shall by March 1 of each year compile the data collected pursuant to sections 1 and 2 of this act and submit the data to the department of public safety in a form as required by the department. The department shall submit a report to the governor and the general assembly which shall include at a minimum:**

- (1) The total number of vehicles stopped;**
- (2) The number and percentage of stopped vehicles that were driven by members of minority groups;**
- (3) A comparison of the percentage of stopped motor vehicles driven by minority groups and the percentage of the state's population that each minority group comprises;**
- (4) The total number of stops determined to be pretextual in nature or without adequate probable cause; and**
- (5) Recommendations as deemed appropriate to deter pretextual stops made by any agency, including the withholding of any public funds."; and**

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 2, Section 2, Line 7, by adding after the word "laws", the following:

"Each law enforcement agency shall adopt a policy which prohibits that agency from granting any preferences in promotion or contract to anyone simply because they are a member of a minority group."

Senator Ehlmann moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** to **SA 1** is out of order as it goes beyond the scope and purpose of the original bill.

Senator Jacob assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SA 1** was again taken up.

At the request of Senator Clay, the above amendment was withdrawn.

President Pro Tem Quick assumed the Chair.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 19, Section 577.012, Line 10, by striking the brackets and underlined language "eight-hundredths".

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, House, Staples and Westfall.

**SA 2** failed of adoption by the following vote:

YEAS--Senators			
Bland	Clay	Flotron	Graves
Kinder	Mueller	Rohrbach	Schneider
Scott	Sims	Wiggins	Yeckel--12
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Quick	Russell
Singleton	Staples	Steelman	Stoll
Westfall--21			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

Senator Staples offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 19, Section 577.012, Line 8, by inserting the following after the numeral "1.": "The purpose of this act is to deter the operation of motorized vehicles by persons under the influence of alcohol. The State of Missouri shall provide to every entity licensed to sell liquor a mechanical or electronic device which will accurately detect the blood alcohol content of a person using the device. The licensee shall offer the opportunity to use such device to any person consuming alcohol on the premises of the licensee who intends to operate a motor vehicle after consuming alcohol. If a person who intends to operate a motor vehicle after consuming alcohol fails to avail himself of the opportunity to use the offered device to test blood alcohol, then the intent to operate a motor vehicle with excessive blood alcohol content shall be legally implied. If a person who intends to operate a motor vehicle after consuming alcohol avails himself of the opportunity to use the offered device and such use indicates a blood alcohol content of less than eight-hundredths of one-percent by weight in such persons blood then such person shall be presumed to be able to operate a motor vehicle and shall be further presumed not to have violated this section, except that such person shall lose such presumption if such person has consumed alcohol after using such device referred to in this section. The mechanical or electronic device referred to herein shall be regularly calibrated and checked for accuracy by the Missouri Department of Public Safety.

2."; and

Re number the remaining subsections accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Childers, DePasco, Staples and Westfall.

**SA 3** failed of adoption by the following vote:

	YEAS--Senators		
Clay	Schneider	Staples	Yeckel--4
	NAYS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins--28
	Absent--Senator Quick--1		
	Absent with leave--Senators--None		
	Vacancies--1		

At the request of Senator Caskey, **SB 934, SB 546, SB 578, SB 579** and **SB 782**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

### RESOLUTIONS

Senator Sims offered Senate Resolution No. 1302, regarding Geoffrey Charles Schmidt, Woodson Terrace, which was adopted.

Senator Klarich offered the following resolution:

#### SENATE RESOLUTION NO. 1303

WHEREAS, Social Anxiety Disorder, also known as social phobia, is a recognized disorder which has been proven to negatively correlate with educational attainment, professional advancement and wages; and

WHEREAS, individuals with Social Anxiety Disorder may experience an excessive and persistent fear of social or performance situations in which they will be scrutinized by others; and

WHEREAS, the social anxiety-provoking social situation may cause physical symptoms such as blushing, sweating, trembling, tense muscles, shaky voice, dry mouth or a pounding of the heart; and

WHEREAS, Social Anxiety Disorder is the most common anxiety disorder affecting approximately 7.9% of Americans annually with a lifetime prevalence of 13.3%, making this psychiatric condition the third most common based upon lifetime prevalence; and

WHEREAS, patients with Social Anxiety Disorder are at a 4-fold increased risk of developing depression, a 3-fold increased risk of developing panic, and a 2-fold increased risk of developing alcoholism; and

WHEREAS, patients with Social Anxiety Disorder are twice as likely to attempt suicide than those without this disorder; and

WHEREAS, it is believed that Social Anxiety Disorder may be due to an imbalance of a chemical called serotonin that transports signals between nerve cells in the brain; and

WHEREAS, Social Anxiety Disorder can be treated:

NOW, THEREFORE BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, Second Regular Session, that Social Anxiety Disease is recognized as a treatable psychiatric disorder which affects many Missourians; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate applaud all psychological and pharmacologic interventions designed to treat Social Anxiety Disease.

### INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Candi Hoxworth and her son, Christian, Belton; and Christian was made an honorary page.

On behalf of Senator Westfall and himself, Senator Russell introduced to the Senate, Gene and Billie Hutcheson and Cole Carter, Bolivar; and Cole was made an honorary page.

Senator Russell introduced to the Senate, his wife, Margaret, Lebanon.

Senator Clay introduced to the Senate, his daughter, Carol, St. Louis; and Carol was made an honorary page.

Senator Flotron introduced to the Senate, Kendra Turnage, Bridgeton.

Senator Childers introduced to the Senate, Jennifer Beasley, thirty eighth grade students and four adults from Kirbyville School, Kirbyville.

Senator Yeckel introduced to the Senate, Joy, Jennifer and Paul Jackson, Kirksville.

Senator Russell introduced to the Senate, Kay Caskey, Butler.

Senator Staples introduced to the Senate, Allison Kankey, Bismarck; and Occupational Therapy students from the University of Missouri, Columbia.

Senator Singleton introduced to the Senate, Michelle Enlow, Neosho; Linda Anderson, Deborah Hanson, R.N., Rebecca Custer, R.N. and Grace Ayton, Joplin; Sue Knaust, R.N., Carthage; and Karen Boyd, R.N., Webb City.

Senator Jacob introduced to the Senate, Mrs. Janet Peart, Mrs. Brenda Ensor, Mr. Frank Berry, Mr. Jerry Martie and students from Moberly Middle School, Moberly; and Barbie Wallace, Cody Kadletz, Brett Dennis and Kevyn Hayes were made honorary pages.

Senator Ehlmann introduced to the Senate, Tracy Stuckey, Kristi McClintock and Jennifer Hodges, St. Charles County.

Senator Ehlmann introduced to the Senate, Gene and Betty Ehlmann and Ed Thiel, St. Charles.

On behalf of Senator Johnson, the President introduced to the Senate, thirteen students and seven adults, members of the Parent Teacher Student Association, Platte City.

Senator Clay introduced to the Senate, Johnetta Haley, Chandra Pierson, Elaine Flipping, Hattie Stunson, Sheilah Glaze, Joan Hubbard, Ruby Bonner, Laura Mabry, Romona Miller and Myrtle Bailey, members of Alpha Kappa Alpha Sorority.

Senator Rohrbach introduced to the Senate, Dr. Natalia D. McKinstry, St. Louis; Andrey Kudryavtsev, Mikhail Safarov, Lydumila Nagornaya, Yuliya Zaguzina, Inna Aksyuk, Svetlana Kurmakayeva, Konstantin Slizov, Sergey Khapugin, Sergey Pribylev, Sergey Oganegov, Valo Motalygo, Dar'ya Chernova, Ukraine; and Marshall Wilson.

Senator Rohrbach introduced to the Senate, Jay Harness, Jefferson City.

Senator DePasco introduced to the Senate, seven hundred registered nurses and students with the Missouri Nurses Association.

Senator Bentley introduced to the Senate, Susan Fudge, Janis Smith, Carol O'Connor, Dave Baker, Debbie Carnevale, Sandra Larkin, Linda Hyde and Karen Fielden, Springfield.

Senator Westfall introduced to the Senate, Bettina Seidel, Germany; and Scott George, Mount Vernon.

Senator Maxwell introduced to the Senate, Scott Utterback, Tiffany Mefford, Kylie Marie Gough and Ryan Kendrick, Shelbina; and Scott, Tiffany, Kylie Marie and Ryan were made honorary pages.



Senator DePasco introduced to the Senate, students, parents and teachers from Truman High School and William Chrisman School, Kansas City.

Senator Stoll introduced to the Senate, Mrs. Ruth Leach, Mrs. Anina Morse, John Leach, Joey Naggi, Stephanie Mayfield and Shannon Turner, Hillsboro.

Senator Howard introduced to the Senate, Desma Reno, Jackson; Viola Rogers and Debra Vassar, Paragould, Arkansas; Ellen Hagy, Naylor; Aimee Greer, Poplar Bluff; and Alice Inman, Doniphan.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Lanny Turner, M.D., and his son Travis, St. Louis.

Senator Kenney introduced to the Senate, Phil LePage, Lee's Summit.

On behalf of Senators Bentley, Singleton, House and himself, Senator Westfall introduced to

the Senate, Anson Elliott and Dr. Johnson, Springfield; Jenifer Carlin, Greenfield; Sheila Sukovaty and Tyler Garrison, Bolivar; Amber Hensley, Carthage; Patrick and Stefanie Eslinger, El Dorado Springs; Dave Helton, Willard; and Rhonda Schieffer, Troy.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-THIRD DAY--WEDNESDAY, MARCH 1, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"For you have not received the spirit of bondage, whereby we cry, Abba, Father." (Romans 8:5)

Almighty Father, let us never be afraid to kneel before You and confess our need of Your help and forgiveness. In times of sorrows and hurts, troubles and heartaches and especially those times we have failed You, help us to remember that You are truly our Father and we are Your children. Let us with boldness and confidence ask as dear children to trust always in Your love and mercy and find grace in times of need. And may we love You with childlike affection all the days of our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1114**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

The Journal of the previous day was read and approved.

Photographers from the St. Louis Post Dispatch, KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

#### Present--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1062**-By Howard.

An Act to repeal sections 169.060 and 169.663, RSMo Supp. 1999, relating to disability benefits in teacher and school employee retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

**SB 1063**-By Maxwell.

An Act to amend chapter 205, RSMo, relating to county health and welfare by adding thereto four new sections relating to the family and community investment trust.

**SB 1064**-By Maxwell.

An Act to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546, 260.569 and 301.057, RSMo 1994, and sections 260.330, 260.475, 260.479 and 260.500, RSMo Supp. 1999, relating to hazardous waste fees, and to enact in lieu thereof thirteen new sections relating to the same subject.

**SB 1065**-By Goode.

An Act to amend chapter 144, RSMo, by adding thereto seven new sections relating to sales and use taxes.

**SB 1066**-By Bland and Maxwell.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tele-community centers.

**SB 1067**-By Bland, Wiggins and Sims.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearms and other weapons.

**SB 1068**-By Singleton.

An Act to repeal section 595.218, RSMo 1994, relating to victims of crimes, and to enact in lieu thereof one new section relating to the same subject.

**SB 1069**-By Stoll.

An Act to repeal section 407.295, RSMo 1994, relating to aftermarket automobile parts, and to enact in lieu thereof one new section relating to the same subject.

**SB 1070**-By Kenney.

An Act to repeal section 191.227, RSMo 1994, and section 191.233, RSMo Supp. 1999, relating to medical records, and to enact in lieu thereof one new section relating to the same subject.

## CONCURRENT RESOLUTIONS

Senator Goode offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the General Assembly finds, for the purpose of streamlining and simplifying sales and use tax imposition and collection for the twenty-first century, that:

Missouri should simplify sales and use taxes to reduce the administrative burden on the collection of sales and use taxes by both single state and multistate taxpayers and vendors;

State and local tax systems should treat transactions in a competitively neutral manner;

A simplified sales and use tax system that treats all transactions in a competitively neutral manner will strengthen and preserve the sales and use tax as vital state and local revenue sources and will preserve state fiscal sovereignty;

Remote sellers should neither receive preferential tax treatment at the expense of local "main street" merchants, nor be burdened with special, discriminatory or multiple taxes; and

While states have the sovereign right to set their own tax policies, states working together have the opportunity to develop a more simple, uniform and fair system of state sales and use taxation without federal government mandates of interference; and

WHEREAS, the General Assembly directs the Missouri Department of Revenue to enter into discussions with other states regarding the development of a multistate, voluntary, streamlined system for sales and use tax collection and administration. Such discussions shall focus on a system that would have the capability to determine whether transactions are taxable or tax exempt, the appropriate tax rate applicable to transactions, the total tax due on transactions, the provision of a method to collect and remit sales and use taxes to the state and the development of a joint request for information from potential public and private parties governing the specification for the system; and

WHEREAS, discussions between the Department of Revenue and other states may also include, but shall not be limited to providing compensation for the costs of collecting and remitting sales and use taxes; the mechanism for compensating parties for the development and operation of such system; the establishment of minimum statutory simplification measures necessary for state participation in such system; and the establishment of measures to preserve confidentiality of taxpayer information and privacy rights of consumers; and

WHEREAS, upon the conclusion of its discussions with other states, the Department of Revenue shall issue a joint request for information; and

WHEREAS, the Department of Revenue is authorized to participate in a sales tax pilot project with other states and selected businesses to test means for simplifying sales and use tax administration, and to enter into joint agreements, which terminate no later than December 31, 2001, for that purpose. Agreements to participate in the test shall establish provisions for the administration, imposition and collection of sales and use taxes resulting in revenues paid that are equal to those that would otherwise be paid pursuant to chapter 144, RSMo. Parties to the agreements are excused from complying with the provisions of chapter 144, RSMo, to the extent a different procedure is required by the agreements, except for confidentiality of taxpayer information as discussed in this resolution; and

WHEREAS, tax return information submitted to any party or parties' action for and on behalf of this state shall be treated as confidential taxpayer information. Disclosure of confidential taxpayer information shall only be made pursuant to a written agreement between the Department of Revenue and the party or parties. Such party or parties shall be bound by the same requirements of confidentiality as the Department of Revenue pursuant to section 32.057, RSMo; and

WHEREAS, the General Assembly herein creates the Multistate Tax Compact Advisory Committee to provide legislative oversight of this effort. The committee shall consist of two members of the Senate appointed by the President Pro Tem, two members of the House of Representatives appointed by the Speaker, the director of the Department of Revenue, the Attorney General and his or her designee, and a member of the Governor's staff to be designated by the Governor. The committee shall meet on a monthly basis at the request of the director of the Department of Revenue, who shall be the chairman, or more often if requested by a majority of the committee members; and

WHEREAS, the committee shall provide a quarterly report on the progress of the multistate tax discussion and other tax simplification efforts to the President Pro Tem of the Senate, the Speaker of the House of Representatives and the Governor. By October 1, 2001, the committee shall also provide to the President Pro Tem of the Senate, the Speaker of the House of Representatives and the Governor a final report on the status of multistate discussions, including information as to whether a proposed system has been agreed upon by participating states and whether or not Missouri should participate in such agreed upon system:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby determine that streamlining and simplifying sales and use tax systems in this state will promote commerce in this state and hereby direct the Department of Revenue to work toward the goal of streamlining and simplifying sales and use taxes in this state in a

manner as specified herein and as overseen by the Multistate Tax Compact Advisory Committee created herein; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Revenue.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 558**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 858**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion failed.

Senator Mathewson offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 858, Page 4, Section 610.027, Line 14, by inserting immediately after the closing bracket "]" the following: "**knowingly**"; and further amend lines 16-17, by striking all of said lines and inserting in lieu thereof the following: "shall be subject to a civil [fine] **penalty** in the amount of not more than [five hundred dollars and] **five thousand dollars. If the court finds**"; and further amend lines 25-27, by striking all of said lines; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Mathewson moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Clay assumed the Chair.

Senator Caskey offered **SA 1** to **SA 1**, which was read:

### SENATE AMENDMENT NO. 1 TO

### SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 858, Page 1, Line 5, by deleting "**five**" on said line and inserting in lieu thereof "**one**".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1** to **SA 1** was withdrawn.

Senator Schneider offered **SA 2** to **SA 1**:

### SENATE AMENDMENT NO. 2 TO

### SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 858, Line 5, by striking "five thousand" and substitute "twenty-five hundred" and by adding at line 9 the following: "and amend page 4, line 20, by inserting after "610.026." the following, "except that the court may assess a penalty of up to five thousand dollars upon a finding that the public body or member acted "purposely" or repeatedly.

Senator Schneider moved that the above amendment be adopted.

Senator Howard offered **SSA 1** for **SA 2** to **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 858, Page 4, Section 610.027, Lines 16-17, by deleting all of line 16 after the word "than]" and all of line 17 through the period "." and inserting in lieu thereof the following: "specified below:

If the governmental body represents a population of less than one thousand.....\$100

If the governmental body represents a population of greater than one thousand and less than ten thousand.....500

If the governmental body represents a population of greater than ten thousand and less than twenty-five thousand.....1,000

If the governmental body represents a population of greater than twenty-five thousand and less than one hundred thousand.....2,500

If the governmental body represents a population of one hundred thousand or more.....5,000".

Senator Howard moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1** for **SA 2** to **SA 1** is out of order as the substitute amendment goes beyond the 2nd degree.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1071**-By Sims.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to employee disqualification.

**SB 1072**-By Wiggins.

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to the commission on the death penalty.

**SB 1073**-By Wiggins and Bland.

An Act to repeal section 238.060, RSMo 1994, relating to transportation authorities in certain cities and counties, and to enact in lieu thereof one new section relating to the same subject.

**SB 1074**-By Wiggins.

An Act relating to economic assistance for the promotion of business development.

**SB 1075**-By Jacob.

An Act to repeal section 288.050, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

**SB 1076**-By Ehlmann.

An Act to repeal sections 67.619, 92.045, 92.120, 94.510 and 509.290, RSMo 1994, and sections 99.805 and 253.550, RSMo Supp. 1999, relating to revitalization of St. Louis city, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

**SB 1077**-By Clay.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to access to student records.

**SB 1078**-By Graves.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to tourist information centers in certain counties.

**SB 1079**-By Graves.

An Act to repeal section 307.170, RSMo Supp. 1999, relating to motor vehicle equipment, and to enact in lieu thereof one new section relating to the same subject.

**SB 1080**-By Graves.

An Act to repeal section 307.350, as both versions appear in RSMo Supp. 1999, relating to motor vehicle inspections, and to enact in lieu thereof one new section relating to the same subject.

## **CONCURRENT RESOLUTIONS**

Senator Ehlmann offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 30**

WHEREAS, the Highways and Transportation Commission may, within the limits set by the General Assembly, authorize the contracting of an indebtedness and the issuance of bonds for the purpose of providing funds for use in highway and bridge construction and repairs in the state; and

WHEREAS, the General Assembly is required to specify by concurrent resolution the total amount of bonds which may be issued on each separate issuance of bonds:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby limit the total amount of bonds issued pursuant to Section 226.133, RSMo, to two billion dollars; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the chairman of the Highways and Transportation Commission.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by Senator Mathewson.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 1081**-By Howard.

An Act to amend chapters 198 and 660, RSMo, by adding thereto two new sections relating to nursing homes.

**SB 1082**-By Bland.

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

**SB 1083**-By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of a needle exchange program.

## **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Emily, Silas, Joshua and Brenda Allen, Naylor; and Emily and Silas were made honorary pages.

Senator Howard introduced to the Senate, Ben Counce, Lugenia Counce, Sharon Gardner, Roger Van Ausdall, Cindy Grissom and eight fourth grade students from Caruthersville Elementary School, Caruthersville; and Trisha Counce, Allison Gardner, Tonya Linton, Alison Walls, Jane Clare Maners, Jacob Van Ausdall, Brenton Miller and Sarah Jo Grissom were made honorary pages.

Senator Howard introduced to the Senate, Mark North, Poplar Bluff.

Senator Howard introduced to the Senate, Andy Van Bebber, Bloomfield; and Dennis and Cheryl Boggess, Dexter.

Senator Kinder introduced to the Senate, Howard Haman, Chris Hoehne, Gwen Allen and Linda Hogan, Fredericktown; and Carol Brice and Betty Voss, Cape Girardeau.

Senator Rohrbach introduced to the Senate, Whitney and Dexter Duncan, Lincoln; and J.D. Johnson, Benton County; and Whitney and Dexter were made honorary pages.

On behalf of Senator Graves, Senator Kenney introduced to the Senate, Mayor Tim Whitaker, Trenton High School students and members of the Trenton Chamber of Commerce.

On behalf of Senator Graves and herself, Senator Bentley introduced to the Senate, Betty Preston, Trenton.

Senator Howard introduced to the Senate, Cathey Daniels, Matthews; Barbara Robinson, Lilbourn; and Don Phillips, Portageville.

Senator Flotron introduced to the Senate, John Bresnahan, Creve Couer.

Senator Mathewson introduced to the Senate, twenty-four fourth and eighth grade students from



Pettis County R-XII School, Sedalia; and Patrick Hawkins, Jessica Hopper, Jasmine Kelley and Garney Hall were made honorary pages.

Senator Bland introduced to the Senate, Dr. Robert R. Wheeler, Kansas City.

Senator Flotron introduced to the Senate, Chris Erkmann, M.D., St. Louis.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-FOURTH DAY--THURSDAY, MARCH 2, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 55:6: "And I said, Oh, that I had wings like a dove! For then would I fly away and be at rest."

Creator God, amid all the pressures and demands on us it is nice to return to our homes; but even there, there are obligations and responsibilities that need to be addressed and it would be nice to "fly away" from everything. But You have promised to be with us and help us "stay the course." Whatever we do let us do it heartily in service to You and help us discover joy and contentment in our serving. Watch over us this weekend, our "going out and coming in" and bless us in our resting. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Flotron--1			
Vacancies--1			
The Lieutenant Governor was present.			

## RESOLUTIONS

Senators Maxwell, Clay and Bland offered Senate Resolution No. 1304, regarding Terrence F. Pudlowski, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 1305, regarding Bridget Brown, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1306, regarding SuccessLink, which was adopted.

Senator Mathewson offered Senate Resolution No. 1307, regarding the Sedalia Symphony Orchestra, which was

adopted.

Senator Johnson assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 743**, with **SCA 1**; **SB 741**; **SCS** for **SB 721**; **SB 709**, with **SCA 1**; **SB 642**; **SB 618**; **SS** for **SB 576**; and **SS No. 2** for **SCS** for **SBs 757** and **602**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 697**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 604**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 850**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1049**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 944**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 944, Page 1, In the Title, Line 3, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend line 3, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend said line by striking the word "and" and inserting in lieu thereof a comma ","; and further amend line 3, by inserting immediately after the numeral "167.117" the following: "and 574.115"; and

Further amend said bill, Page 7, Section 167.117, Line 29, by inserting after all of said line the following:

**"574.115. 1. A person commits the crime of making a terrorist threat if such person communicates a threat to commit a felony, a knowingly false report concerning the commission of any felony, or a knowingly false report concerning the occurrence of any catastrophe:**

**(1) For the purpose of frightening or disturbing ten or more people;**

**(2) For the purpose of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility of transportation; or**

**(3) With reckless disregard of the risk of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility of transportation.**

**2. Making a terrorist threat is a class C felony unless committed pursuant to subsection 3 of this section, in which case it is a class D felony.**

**3. As used in this section:**

**(1) The term "threat" means an express or implied threat but does not include a report made in good faith for the purpose of preventing harm; and**

**(2) The term "catastrophe" is defined in section 569.070, RSMo."**

#### SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 944, Page 1, In the Title, Line 3, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend line 3, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend said line by striking the word "and" and inserting in lieu thereof a comma ","; and further amend line 3, by inserting immediately after the numeral "167.117" the following: "and 569.155"; and

Further amend said bill, Page 7, Section 167.117, Line 29, by inserting after all of said line the following:

**"569.155. 1. A person commits the crime of trespass of a school bus if he knowingly and unlawfully enters any part of or unlawfully operates any school bus.**

**2. Trespass of a school bus is a class A misdemeanor.**

**3. For the purposes of this section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:**

**(1) Approved of and established in a school district's written policy on access to school buses; or**

**(2) Authorized by specific written approval of the school board."**

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1017**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 19, by inserting after the word "of" the following:  
**"construction engineering and"**.

## SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 25, by striking the word "thirty" and inserting in lieu thereof the word **"forty-five"**.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 744**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 957**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 925**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, sub-mitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 772**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 926**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 826**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 930**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SJR 50**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 885**, begs leave to report that

it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 902**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Wilson assumed the Chair.

## RESOLUTIONS

Senator Klarich moved that **SB 1303** be taken up for adoption, which motion prevailed.

On motion of Senator Klarich, **SB 1303** was adopted.

## SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 678** and **SB 742**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SBs 678** and **742** was again taken up.

Senator Schneider offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 22, Section 478.037, Lines 18-25, by striking all of said lines; and further amend said bill and section, pages 23-24, by striking all of said pages and inserting in lieu thereof the following:

**"478.037. 1. A commissioner or deputy commissioner appointed pursuant to sections 66.010, 211.023, 478.003, 478.265, 478.266, 478.267, 478.268, 478.466, 479.500 or 487.020, RSMo, shall prepare written findings and recommendations in any case or proceeding assigned to the commissioner or deputy commissioner. The commissioner or deputy commissioner shall file the written findings and recommendations with a judge exercising authority pursuant to article V of the constitution, together with the papers related to the case. The court may adopt the findings and recommendations of the commissioner, and shall provide written notice of the judgment of the court, by regular first class mail or such other service as directed by the court, to the parties whose case or proceeding was heard by the commissioner and, where appropriate, to the juvenile, the juvenile's custodian, and any other person that the court may direct. Any party receiving such notice may file written objections to the findings and recommendations within fifteen days after mailing thereof, and shall serve copies of such objections on all other parties. If objections are filed, or if the court proposes action other than the adoption of the report, the court, after a hearing on the objections, unless such hearing is waived by the parties, may sustain the findings and recommendations or may modify or reject the findings and recommendations, in whole or in part, or may receive further evidence, or may return the case or proceeding to the commissioner or deputy commissioner, with instructions.";** and

Further amend said bill and section, page 25, line 1, by striking the figure "3." on said line and inserting in lieu thereof the figure "2."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Schneider offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 39, Section 537.675, Lines 20-25, by striking the bold-face type appearing on said lines; and amend page 40, lines 1 to 19, by striking all of said lines and substitute the following:

**"537.678. 1. All payments received".**

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Russell, Singleton and Steelman.

Senator Johnson assumed the Chair.

**SA 2** was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Ehlmann
House	Jacob	Johnson	Kinder
Rohrbach	Russell	Schneider	Scott
Sims	Stelman	Stoll	Wiggins-- 16
	NAYS--Senators		
Bland	Clay	DePasco	Goode
Graves	Howard	Kenney	Klarich
Mathewson	Maxwell	Mueller	Singleton
Westfall	Yeckel-- 14		
	Absent--Senators		
Quick	Staples-- 2		
	Absent with leave--Senator Flotron-- 1		
	Vacancies-- 1		

Senator Singleton offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 11, Section 196.790, Line 11, by inserting after all of said line the following:

"211.185. 1. In addition to the court's authority to issue an order for the child to make restitution or reparation for the damage or loss caused by his offense as provided in section 211.181, the court may enter a judgment of restitution against both the parent and the child pursuant to the provisions of this section if the court finds that the parent has failed to exercise reasonable parental discipline or authority to prevent the damage or loss and the child has:

(1) Stolen, damaged, destroyed, converted, unlawfully obtained, or substantially decreased the value of the property of another; or

(2) Inflicted personal injury on another, requiring the injured person to incur medical, dental, hospital, funeral, or burial expenses.

2. The court may order both the parent and the child to make restitution to:

(1) The victim;

(2) Any governmental entity; or

(3) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss or a pecuniary loss under subdivisions (1) and (2) of subsection 1 of this section.

3. Restitution payments to the victim have priority over restitution payments to a third-party payor. If the victim has been compensated for the victim's loss by a third-party payor, the court may order restitution payments to the third-party payor in the amount that the third-party payor compensated the victim.

4. Payment of restitution to a victim under this section has priority over payment of restitution to any governmental entity.

5. Considering the age and circumstances of a child, the court may order the child to make restitution to the wronged person personally.

6. A restitution hearing to determine the liability of the parent and the child shall be held not later than thirty days after the disposition hearing and may be extended by the court for good cause. In the restitution hearing, a written statement or bill for medical, dental, hospital, funeral, or burial expenses shall be prima facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable charge for the services or materials provided. The burden of proving that the amount indicated on the written statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness of the amount.

7. A judgment of restitution against a parent may not be entered unless the parent has been afforded a reasonable opportunity to be heard and to present appropriate evidence in his behalf. The parent shall be advised of his right to obtain counsel for representation at the hearing. A hearing under this section may be held as part of an adjudicatory or disposition hearing for the child.

8. The judgment may be enforced in the same manner as enforcing monetary judgments.

9. A judgment of restitution ordered pursuant to this section against a child and his parents shall not be a bar to a proceeding against the child and his parents pursuant to section 537.045, RSMo, or section 8.150, RSMo, for the balance of the damages not paid pursuant to this section. In no event, however, may the total restitution paid by the child and his parents pursuant to this section, section 8.150, RSMo, and section 537.045, RSMo, exceed [four] **twenty** thousand dollars.

10. The child may be ordered to work in a court-approved community service work site at a rate of compensation not to exceed minimum wage. The number of hours worked shall be reported to the juvenile officer and the compensation earned for these hours shall be used for the sole purpose of satisfying the judgment entered against the child in accordance with this section. Upon application by the juvenile officer made with the juvenile court's written approval, the clerk of the court of the circuit where the fund is deposited and where a judgment has been entered in accordance with this section shall pay the compensation earned by the child to the person in whose favor the judgment has been entered.

11. Notwithstanding any other provision of this section to the contrary, a judgment of restitution ordered pursuant to this section against a child may be executed upon after the child attains the age of eighteen years.

537.045. 1. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their care and custody, against whom judgment has been rendered for purposely marking upon, defacing or in any way damaging any property, shall be liable for the payment of that judgment up to an amount not to exceed [two] **twenty** thousand dollars, provided that the parent or guardian has been joined as a party defendant in the original action. The judgment provided in this subsection to be paid shall be paid to the owner of the property damaged, but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor for such damage for the balance of the judgment not paid by the parent or guardian.

2. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their



care and custody, against whom judgment has been rendered for purposely causing personal injury to any individual, shall be liable for the payment for that judgment up to an amount not to exceed [two] **twenty** thousand dollars, provided that the parent or guardian has been joined as a party defendant in the original action. The judgment provided in this subsection to be paid shall be paid to the person injured, but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor for such damage for the balance of the judgment not paid by the parent or guardian.

3. Upon rendering a judgment in any proceeding under this section, the judge may order the parent or guardian, and the minor who damaged the property or caused the personal injury, to work for the owner of the property damaged or the person injured in lieu of payment, if the parent, minor and the owner of the property damaged or the person injured are agreeable."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 3** is out of order as it goes beyond the scope and intent of the legislation.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 3** was again taken up.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Ehlmann, Rohrbach and Steelman.

**SA 3** was adopted by the following vote:

YEAS--Senators			
Bentley	DePasco	Ehlmann	House
Howard	Johnson	Kinder	Maxwell
Mueller	Quick	Schneider	Sims
Singleton	Steelman	Wiggins	Yeckel--16
NAYS--Senators			
Bland	Caskey	Childers	Clay
Goode	Graves	Jacob	Kenney
Mathewson	Rohrbach	Russell	Stoll
Westfall--13			
Absent--Senators			
Klarich	Scott	Staples--3	
Absent with leave--Senator Flotron--1			
Vacancies--1			

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 60, Section 621.198, Line 21, by adding immediately after said line the following:

"650.055. 1. Every individual convicted in a Missouri circuit court, of a felony, defined as a violent offense under chapter 565, RSMo, or as a sex offense under chapter 566, RSMo, excluding sections 566.010 and 566.020, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

- (1) Upon entering the department of correction's reception and diagnostic centers; or
- (2) Before release from a county jail or detention facility; or
- (3) If such individual is under the jurisdiction of the department of corrections on or after August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

**Any evidence leading to a conviction of a felony described in this subsection which has been or can be tested for DNA shall be preserved by the Missouri state highway patrol.**

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody of those convicted of the felony which shall not be set aside or reversed, is hereby made mandatory.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA data bank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

5. Implementation of section 650.050 and this section shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA data bank system.

**6. A defendant convicted of any felony listed in subsection 1 of this section may make a motion before the trial court that entered the judgment of conviction in his or her case for DNA testing on the defendant and on evidence that was secured in relation to the trial which resulted in the conviction. The defendant shall serve notice of the motion upon the prosecuting attorney of the county in which the conviction occurred. The defendant shall present a prima facie case that identity was a contested issue in the defendant's trial. If the defendant establishes a prima facie case, and the trial court determines that the results of the testing have the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence, the trial court shall order the state to compare DNA test results regarding the trial evidence and the defendant.";** and

Further amend the title and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 11, Section 196.790, Line 11, by inserting after all of said line the following:

"213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065 or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 or 213.065, or subdivision (3) of section 213.070 as it relates to employment and public accommodations, the commission has not completed its administrative processing and the

person aggrieved so requests in writing, **or when the commission has terminated its administrative processing of a complaint**, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. If, after the filing of a complaint pursuant to sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of section 213.070 as it relates to housing, and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the issuance of a notice [under] **pursuant to** this section relating to the same practice or act. Any action brought in court [under] **pursuant to** this section shall be filed within ninety days from the date of the commission's notification letter to the individual but no later than two years after the alleged cause occurred or its reasonable discovery by the alleged injured party. **If any action is commenced within the times prescribed by this section, section 516.230, RSMo, shall apply to the action. Such action shall be tried before a jury if a trial by jury is requested by either party.**

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded court costs and reasonable attorney fees only upon a showing that the case is without foundation."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Wiggins moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Kenney offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 3, Section 213.111, Line 1, by inserting after the word "party." the following: **"venue for any jury trial pursuant to this section shall be in the circuit court of the county in which the incident is alleged to have occurred. In cases where the alleged incident is said to occur took place in the county of Jackson or the city of St. Louis, venue for any jury trial pursuant to this section shall be in the circuit court of an adjoining county."**

Senator Kenney moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Ehlmann offered **SSA 1 for SA 1 to SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Line 22 after the word "commenced", by adding: "in any county of the State of Missouri which does not have a Federal Courthouse."; and

Further amend said amendment at the end of the amendment by adding the following: "The provisions of this section are non-severable."

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1** for **SA 1** to **SA 5** is out of order as the substitute amendment is in the third degree.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem.

At the request of Senator Schneider, the point of order was withdrawn.

**SSA 1** for **SA 1** to **SA 5** was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

**SA 1** to **SA 5** was again taken up.

At the request of Senator Kenney, the above amendment was withdrawn.

**SA 5** was again taken up.

Senator Ehlmann offered **SA 2** to **SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Line 3, by inserting after the word "practice," the following: "by the State of Missouri or any of its political subdivisions."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Ehlmann offered **SA 3** to **SA 5**:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Line 21, by inserting after the word "action" the following: "**alleging an unlawful discriminatory practice by the state of Missouri or any of its political subdivisions**".

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Mueller and Wiggins.

**SA 3** to **SA 5** failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		
	NAYS--Senators		
Bland	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Mathewson	Maxwell	Quick	Schneider
Steelman	Stoll	Wiggins--15	
	Absent--Senators		
Johnson	Scott	Staples--3	
	Absent with leave--Senator Flotron--1		
	Vacancies--1		

**SA 5** was again taken up.

Senator Rohrbach offered **SA 4** to **SA 5**:

#### SENATE AMENDMENT NO. 4 TO

#### SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Last line, by inserting before the word "if" the following: "**only**"; and further amend said line, by striking the word "either" and inserting in lieu thereof "both parties"; and further amend said amendment, page 3, line 1, by striking the word "party".

Senator Rohrbach moved that the above amendment be adopted.

Senator Clay assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 4** to **SA 5** and was joined in his request by Senators Bland, Maxwell, Russell and Westfall.

At the request of Senator Schneider, **SB 678** and **SB 742**, with **SCS**, **SS** for **SCS**, **SA 5** and **SA 4** to **SA 5** (pending), were placed on the Informal Calendar.

### REFERRALS

President Pro Tem Quick referred **SCR 29** and **SCR 30** to the Committee on Rules, Joint Rules and Resolutions.

### REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Will E. McCarther, Robert R. Wheeler and Julius C. Dix, as members of the Lincoln University Board of Curators;

Also,

Ricardo D. Jones, as student representative of the Lincoln University Board of Curators;

Also,

Janice S. Ellis, as a public member of the Missouri State Board of Accountancy;

Also,

Sandra D. Kauffman, as a member of the Coordinating Board for Higher Education;

Also,

Sheilah Clarke-Ekong, as a public member and Barry D. Spoon, as a member of the State Board of Registration for the Healing Arts;

Also,

Marion Cairns, as a member of the Missouri Commission on Human Rights;

Also,

Lynda M. Quan, as a member of the State Committee for Social Workers;

Also,

Melinda Jurgeson Christianson, as a member of the Advisory Commission for Physical Therapists;

Also,

George R. Johnstone and Glenn E. Good, as members of the State Committee on Psychologists;

Also,

Floyd A. Kimbrough, as a member and chair, and Joan M. Crawford, as a member of the Board of Election Commissioners for St. Louis City;

Also,

Susan L. Constance, as a member of the Missouri Development Finance Board;

Also,

Dorothy A. "Dottie" Phelps, as a public member of the Missouri Real Estate Appraisers Commission;

Also,

Mark A. Terry, Nathan R. Williams, William C. Brandes and Diana G. Fendya, as members of the State Advisory Council on Emergency Medical Services.

Senator Quick moved that the Senate do give its advice and consent to the above reports and the vote be taken in one motion.

Senator Klarich offered a substitute motion that the appointments to the Board of Election Commissioners for St. Louis City be voted on in a separate motion, which motion prevailed.

Senator Quick requested unanimous consent of the Senate to vote on the above reports, except for that of the Board of

Election Commissioners for St. Louis City, in one motion. There being no objection, the request was granted.

On motion of Senator Quick, the committee reports were adopted and the Senate gave its advice and consent to the above appointments and reappointments.

Senator Quick moved that the appointments of Floyd A. Kimbrough, as a member and Chair, and Joan M. Crawford, as a member of the Board of Election Commissioners for St. Louis City, be adopted and the Senate do give its advice and consent to said appointments, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HJR 61**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to taxation, by adding thereto one new section relating to the tobacco settlement trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Howard offered Senate Resolution No. 1308, regarding Verlene Provance, Malden, which was adopted.

Senator Kinder offered Senate Resolution No. 1309, regarding the death of former Senator, the Honorable John Dennis, Scott County, which was adopted.

Senator Westfall offered Senate Resolution No. 1310, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Claude Catt, Bolivar, which was adopted.

Senator Scott offered Senate Resolution No. 1311, regarding the At-Risk Communication Arts Program, which was adopted.

Senator DePasco offered Senate Resolution No. 1312, regarding Elaine W. Joslyn, D.O., Kansas City, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Singleton introduced to the Senate, Ben and Elene Fitzpatrick, Jasper.

On behalf of Senator Graves and himself, Senator Kenney introduced to the Senate, Anna and Melissa Barnett, Maryville; and Melissa was made an honorary page.

Senator Yeckel introduced to the Senate, Larry Amen and sixth, seventh and eighth grade students from South Side Christian School, St. Louis County.

Senator Klarich introduced to the Senate, Molly Ann Kuebler and one hundred twenty-five fourth grade students from Chesterfield Elementary School, Chesterfield.

Senator Russell introduced to the Senate, his son, Doug, and his grandson, John C. Russell, Lebanon.

Senator Klarich introduced to the Senate, Anita Honse and Susan and Austin Kneesern, Jefferson

City; and Chrissy and John Clay Schaeffer, St. Louis; and Austin, Chrissy and John Clay were made honorary pages.

Senator Russell introduced to the Senate, Sandra Ackerman, Dorothy DeWitt and Lois Legg, Lebanon.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, March 6, 2000.



# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-FIFTH DAY--MONDAY, MARCH 6, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"The ransomed of the Lord shall return...with songs and everlasting joy upon their heads; they shall obtain joy and gladness, and sorrow and sighing shall flee away." (Isaiah 35:10)

Gracious God, we have returned to our work and responsibilities You have given us. We thank You that You have shown us that we are to be joyful in our living and working and that gladness will accompany us through these days of service to the people of Missouri. For indeed we have been sent by You to contribute to the final attainment of Your holy purpose. So help us face each day with a willing heart and to serve You faithfully. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Jacob moved that the Senate Journal for Thursday, March 2, 2000, be corrected on Page 364, Column 1, Lines 39 and 41, by deleting "**SB**" and inserting in lieu thereof "**SR**", which motion prevailed.

The Journal for Thursday, March 2, 2000, was read and approved, as corrected.

Senator Jacob announced that photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Goode moved that **SR 1204** be taken up for adoption, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Goode moved that **SR 1204** be adopted, which motion failed by the following vote:

YEAS--Senators			
Childers	Clay	Goode	House
Jacob	Johnson	Kenney	Maxwell
Sims	Steelman	Stoll	Westfall
Yeckel--13			
NAYS--Senators			
Caskey	Flotron	Graves	Howard
Kinder	Klarich	Mathewson	Mueller
Quick	Rohrbach	Russell	Scott
Staples	Wiggins--14		
Absent--Senators			
Bentley	Bland	Ehlmann	Schneider
Singleton--5			
Absent with leave--Senator DePasco--1			
Vacancies--1			

Senator Steelman moved that **SR 1035** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **SR 1035** was adopted.

Senator Quick offered Senate Resolution No. 1313, regarding Brian Jeffrey Goertz, Liberty, which was adopted.

Senator Childers offered Senate Resolution No. 1314, regarding Christopher D. "Chris" Carney, Monett, which was adopted.

Senator Wiggins offered the following resolution, which was adopted.

#### SENATE RESOLUTION NO. 1315

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the Senate Chamber and the Senate Hearing Rooms from 9:00 a.m. to 5:00 p.m. on Saturday, September 2, 2000 for the purpose of a citizenship assembly and workshop.

Senator Klarich offered Senate Resolution No. 1316, regarding Rockwood School District's Gifted Program, which was adopted.

#### CONCURRENT RESOLUTIONS

Senator Clay moved that **SCR 21** be taken up for adoption, which motion prevailed.

On motion of Senator Clay, **SCR 21** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senator Yeckel--1

Absent with leave--Senator DePasco--1

Vacancies--1

## PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which **SA 2** to **SS** for **SCS** for **SBs 678** and **742** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	Goode	Jacob	Johnson
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	

NAYS--Senators

Ehlmann	Flotron	House	Howard
Rohrbach	Russell	Schneider--7	

Absent--Senators

Graves Kenney--2

Absent with leave--Senator DePasco--1

Vacancies--1

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

## CONCURRENT RESOLUTIONS

Senator Maxwell moved that **SCR 27**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCR 27**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senator DePasco--1

Vacancies--1

## REPORTS OF STANDING COMMITTEES

On behalf of Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Quick submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SRB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SRB 1002**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 940**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Mathewson assumed the Chair.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 953**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 961**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## THIRD READING OF SENATE BILLS

**SB 743**, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal section 135.095, RSMo Supp. 1999, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 743**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Singleton--1			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 894**, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal sections 141.220, 141.540, 141.570, 141.700, 141.710, 141.720, 141.730, 141.740, 141.750, 141.760, 141.765, 141.770 and 141.800, RSMo 1994, relating to property ownership, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 894**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 894

An Act to repeal sections 141.220, 141.540, 141.570, 141.700, 141.710, 141.720, 141.730, 141.740, 141.750, 141.760, 141.765, 141.770 and 141.800, RSMo 1994, relating to property ownership, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **SB 894** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 894** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
 Absent--Senators--None  
 Absent with leave--Senators--None  
 Vacancies--1

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 893**, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal section 140.110, RSMo Supp. 1999, relating to ownership of property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 893**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 893

An Act to repeal section 140.160, RSMo 1994, and section 140.110, RSMo Supp. 1999, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **SB 893** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 893** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
Absent--Senators--None  
Absent with leave--Senators--None  
Vacancies--1

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 633**, with **SCS**, introduced by Senators Childers and Russell, entitled:

An Act to repeal sections 301.010 and 304.170, RSMo Supp. 1999, relating to motor vehicle lengths, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

**SCS** for **SB 633**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 633

An Act to repeal sections 301.010 and 304.170, RSMo Supp. 1999, relating to motor vehicle lengths, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **SB 633** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Childers, **SCS** for **SB 633** was read the 3rd time and passed by the following vote:

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
YEAS--Senators			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 541**, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 307.375, RSMo Supp. 1999, relating to vehicle equipment regulations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 541**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 541

An Act to repeal section 307.375, RSMo Supp. 1999, relating to vehicle equipment regulations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 541** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 541** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 907**, introduced by Senator Caskey, entitled:

An Act to repeal section 307.173, RSMo Supp. 1999, relating to motor vehicle safety, and to enact in lieu thereof one



new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 907** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Mueller-- 1			
Absent--Senator Bentley-- 1			
Absent with leave--Senators--None			
Vacancies-- 1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 942**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 632.486, RSMo Supp. 1999, relating to civil commitment of sexually violent predators, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 942** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Clay-- 1			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies-- 1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 914**, introduced by Senators Schneider and House, entitled:

An Act to repeal sections 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 1994, relating to the administrative hearing commission, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **SB 914** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bentley--1			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 881**, introduced by Senator Wiggins, entitled:

An Act to repeal section 92.418, RSMo 1994, relating to expenditure of proceeds of tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 881** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Singleton--1			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 922**, introduced by Senator Scott, entitled:

An Act to repeal sections 87.230 and 87.237, RSMo 1994, relating to retirement benefits, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 922** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

**SB 910**, introduced by Senator Stoll, entitled:

An Act to repeal section 163.191, RSMo 1994, relating to community college districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Stoll moved that **SB 910** be read the 3rd time and finally passed.

At the request of Senator Stoll, the above motion was withdrawn.

**SB 975**, introduced by Senator DePasco, entitled:

An Act to repeal section 169.280, RSMo 1994, and sections 160.420, 169.270, 169.291, 169.315 and 169.324, RSMo Supp. 1999, relating to teacher and school retirement systems, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Johnson assumed the Chair.

On motion of Senator DePasco, **SB 975** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clay	Kinder--2		
Absent with leave--Senators--None			
Vacancies--1			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

**SB 801**, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 260.285, RSMo Supp. 1999, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 801**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 801

An Act to repeal section 260.285, RSMo Supp. 1999, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 801** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 801** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Kinder	Staples--3	
	Absent with leave--Senators--None		
	Vacancies--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Kinder	Staples--3	
	Absent with leave--Senators--None		
	Vacancies--1		

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1376**, entitled:

An Act to repeal section 21.183, RSMo 1994, relating to inspection of state institutions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John R. Bondon, Democrat, 11303 View High Drive, Kansas City, Jackson County, Missouri 64134, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald D. Boyer, Republican, 5654 East State Highway AF, Fair Grove, Greene County, Missouri 65648, as a member of the State Milk Board, for

a term ending September 28, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry E. Mackey, Democrat, 3820 Marion, Independence, Jackson County, Missouri 64055, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2003, and until his successor is duly appointed and qualified; vice, Carl Schweitzer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael R. Mahler, 4707 Candleglow Drive, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, James M. Clifford, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary L. Vernassie, 404 Cedar, Belton, Cass County, Missouri 64012, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald E. Winship, Republican, 4527 Water's Edge, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2001, and until his successor is duly appointed and qualified; vice, Jerry Mackey, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 1050**--Local Government and Economic Development.

**SB 1051**--Transportation.

**SB 1052**--Insurance and Housing.



**SB 1053**--Civil and Criminal Jurisprudence.

**SB 1054**--Financial and Governmental Organization.

**SB 1055**--Financial and Governmental Organization.

**SB 1056**--Elections, Veterans' Affairs and Corrections.

**SB 1057**--Transportation.

**SB 1058**--Civil and Criminal Jurisprudence.

**SB 1059**--Local Government and Economic Development.

**SB 1060**--Civil and Criminal Jurisprudence.

**SB 1061**--Ways and Means.

**SB 1062**--Pensions and General Laws.

**SB 1063**--Public Health and Welfare.

**SB 1064**--Commerce and Environment.

**SB 1065**--Ways and Means.

**SB 1066**--Education.

**SB 1067**--Civil and Criminal Jurisprudence.

**SB 1068**--Civil and Criminal Jurisprudence.

**SB 1069**--Insurance and Housing.

**SB 1070**--Public Health and Welfare.

**SB 1071**--Labor and Industrial Relations.

**SB 1072**--Civil and Criminal Jurisprudence.

**SB 1073**--Transportation.

**SB 1074**--Local Government and Economic Development.

**SB 1075**--Labor and Industrial Relations.

**SB 1076**--Pensions and General Laws.

**SB 1077**--Education.

**SB 1078**--Transportation.

**SB 1079**--Transportation.

**SB 1080**--Transportation.

**SB 1081**--Aging, Families and Mental Health.

**SB 1082**--Civil and Criminal Jurisprudence.

**SB 1083**--Public Health and Welfare.

### **HOUSE BILLS ON SECOND READING**

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

**HS** for **HCS** for **HJR 61**--Pensions and General Laws.

### **INTRODUCTIONS OF GUESTS**

Senator Singleton introduced to the Senate, Jarrod Page, Jeremy Hollars, Stephen Jones, Ray Wolfe, Brett Doennig, Jennifer Forsythe, Duane Johnson, Trent Dobranc and Annette St. Clair, Joplin.

Senator Stoll introduced to the Senate, Lashauna Evans and Becky Sides, Jefferson County; and Lashauna and Becky were made honorary pages.

Senator Clay introduced to the Senate, Lew Moye, St. Louis.

Senator Singleton introduced to the Senate, Stacey Floyd, Rebecca Robertson, James Link, Kayla Link, Dara Bean, David Johnson, Brandon Davis, Tim Carter, Andrew Kirkland, Kent Keller, Mandy Jarvis, Sonja Stevens, Karen Taber, Felica Adolphson, Deeanna Graham, Lindsey Jones and Tamara Adolphson, Neosho.

Senator Westfall introduced to the Senate, Tim Schieffer, El Dorado Springs; and Danny Rice, Buffalo.

Senator Staples introduced to the Senate, Chris Keeling, Eminence.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-SIXTH DAY--TUESDAY, MARCH 7, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

I Corinthians 16:9: "A wide door for effective work has opened to me, and there are many adversaries."

Almighty God, we have so many opportunities to do good work with our lives and with that work are the challenges from those who would try to discourage us from what we believe is right for the people we serve. Give us the heart O Lord, to tell our story, to convince those who would hinder us from the importance of what we are trying to do with tact and grace. And open more and more doors for us and the courage to enter them. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1317, regarding Jolene Howell, Sikeston, which was adopted.

Senator Graves offered Senate Resolution No. 1318, regarding the Central Live-News 20 Program, which was adopted.

Senator DePasco offered Senate Resolution No. 1319, regarding the Integrating Architecture in Art and Across the Curriculum Program, which was adopted.

Senator DePasco offered Senate Resolution No. 1320, regarding the Skills and Strategies for Success Program, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 530**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 995**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **SENATE BILLS FOR PERFECTION**

Senator Scott moved that **SB 827** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Klarich offered **SS** for **SB 827**, entitled:

### **SENATE SUBSTITUTE FOR**

### **SENATE BILL NO. 827**

An Act to repeal section 92.045, RSMo 1994, relating to certain charter cities, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause and a contingent effective date for certain sections.

Senator Klarich moved that **SS** for **SB 827** be adopted.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 1**, which was read:

### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 827, Page 3, Section 66.756.2, Lines 15-16, by deleting the word "any" and inserting the word "a"; and by further inserting after the word "election" the following: "**at least one year after the defeat of the ballot proposal**".

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Klarich and Mueller.

**SA 1** was adopted by the following vote:

YEAS--Senators			
Childers	Ehlmann	Goode	Graves
House	Kenney	Kinder	Klarich
Mathewson	Mueller	Rohrbach	Russell
Schneider	Singleton	Steelman	Westfall
Yeckel--17			
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Howard	Johnson	Maxwell	Scott
Sims	Staples	Stoll	Wiggins--12
Absent--Senators			
Bentley	Flotron	Jacob	Quick--4
Absent with leave--Senators--None			
Vacancies--1			

Senator Klarich offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 827, Page 9, Section 305.518, Line 23, by inserting after "305.518." the following: "**1.**"; and renumber remaining subsections accordingly.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Scott, **SB 827**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

#### REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

#### RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1321, regarding the death of Mary Louise "Big" (Eldringhoff) Aston, Kansas City, which was adopted.

Senators Wiggins and DePasco, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1322

WHEREAS, it is always a sad and sorrowful occasion when the members of the Missouri Senate pause to honor the memory of an individual who had brought a tremendous degree of joy into the lives of those who cherished him so very dearly; and

WHEREAS, Donald Harbaugh of Independence, Missouri, departed this life on March 2, 2000, leaving his loved ones with a treasure of priceless memories that will ease the burden of their loss and continue to sustain them with comforting thoughts well beyond this initial period of bereavement; and

WHEREAS, born on December 19, 1949, in Kansas City, Missouri, Donald Harbaugh was a wonderful son who made life very special and very meaningful for his devoted parents, Del and Verlee Harbaugh of Independence; and

WHEREAS, since the age of ten when he moved with his parents to Omaha, Nebraska, Donald Harbaugh had seen various parts of the country as he later made his home in Glen Ellyn, Illinois, where he attended junior college; Philadelphia, Pennsylvania; and Lander, Wyoming; and

WHEREAS, Donald Harbaugh returned to his native Kansas City in 1983 and spent the past seventeen years employed by the Little Blue Valley Sewer District as engineer technician, in which capacity he had enjoyed a considerable degree of success; and

WHEREAS, although there are no words adequate to express sympathy to the dear ones he has left behind, this legislative body hopes that his parents, Del and Verlee Harbaugh; his uncle, Lee Roy Anderson; and his numerous cousins will find the strength to persevere through the depth of their faith and the enormity of the love that unites them as a precious family:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, pause in a moment of silence to pay final tribute to Donald Harbaugh, beloved cousin of the Honorable Ronnie DePasco, and to let his family know that our thoughts and our prayers are with them as they strive to cope with the sorrow and grief that have so profoundly impacted their lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of the late Donald Harbaugh.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by Senator Mathewson.

#### THIRD READING OF SENATE BILLS

**SB 709**, with **SCA 1**, introduced by Senator DePasco, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to a permanent memorial for workers killed or injured on the job.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **SB 709**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Childers

Clay		DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob	
Johnson	Kenney	Klarich	Mathewson	
Maxwell	Mueller	Rohrbach	Russell	
Scott		Sims	Singleton	Steelman
Stoll		Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Kinder	Quick	Schneider	Staples--4
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Absent with leave--Senator Flotron-- 1

Vacancies-- 1

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Stoll moved that **SB 910** be called from the Consent Calendar and again taken up for third reading and final passage, which motion prevailed.

On motion of Senator Stoll, **SB 910** was read the 3rd time and passed by the following vote:

	YEAS--Senators			
Bentley	Bland	Caskey	Childers	
Clay		DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob	
Johnson	Kenney	Kinder	Klarich	
Mathewson	Maxwell	Quick	Rohrbach	
Russell	Scott	Sims	Singleton	
Steelman	Stoll	Westfall	Wiggins	
Yeckel--29				

NAYS--Senator Mueller-- 1

Absent--Senators

Schneider	Staples--2
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Absent with leave--Senator Flotron-- 1

Vacancies-- 1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

**SENATE BILLS FOR PERFECTION**

President Pro Tem Quick ruled the pending point of order on **SSA 1** for **SA 2** to **SA 1** to **SB 858** not well taken.

**SSA 1** for **SA 2** to **SA 1** was again taken up.

At the request of Senator Howard, the above amendment was withdrawn.

**SA 2** to **SA 1** was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

**SA 1** was again taken up.

Senator Mathewson requested unanimous consent of the Senate to change the words "**five thousand**" to "**twenty-five hundred**", which request was granted.

Senator Mathewson moved that **SA 1** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SB 858**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 597**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Steelman, **SB 597**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

**THIRD READING OF SENATE BILLS**

**SS** for **SB 576**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 576

An Act to amend chapters 33 and 570, RSMo, relating to stealing and related offenses by adding thereto seventeen new sections relating to financial exploitation of the elderly or disabled, with penalty provisions.

Was taken up.

On motion of Senator Maxwell, **SS** for **SB 576** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Stelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay		Staples--2	
Absent with leave--Senator Flotron--1			
Vacancies--1			



The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 618**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 217.015, RSMo Supp. 1999, relating to the department of corrections, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Rohrbach, **SB 618** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Flotron--1			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 642**, introduced by Senators Schneider and Wiggins, entitled:

An Act to repeal section 476.690, RSMo Supp. 1999, relating to judicial retirement, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **SB 642** was read the 3rd time and passed by the following vote:

YEAS--Senators				
Bentley	Bland	Caskey	Childers	
Clay		DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob	

Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Rohrbach	Singleton--2		
	Absent--Senators		
Quick		Staples--2	
	Absent with leave--Senator Flotron--1		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SCS** for **SBs 757** and **602**, introduced by Senators Maxwell and Bland, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 757 and 602

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.025, 566.067, 566.068, 573.010, 573.020, 573.025, 573.035, 573.037 and 660.520, RSMo 1994, and sections 210.109, 210.115, 210.150 and 559.115, RSMo Supp. 1999, and to enact in lieu thereof twenty-one new sections relating to the protection of children, with penalty provisions.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **SS No. 2** for **SCS** for **SBs 757** and **602** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims		Singleton	Steelman
Westfall	Wiggins	Yeckel--31	Stoll
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senator Flotron--1		
	Vacancies--1		

Senator Mathewson assumed the Chair.

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 741**, introduced by Senator Maxwell, entitled:

An Act to repeal section 247.031, RSMo, and sections 644.566, 644.568 and 644.570 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450 of the first regular session of the ninetieth general assembly, and sections 644.566, 644.568 and 644.570 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 and 82 of the first regular session of the ninetieth general assembly, relating to issuance of bonds for water pollution and storm water control, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

On motion of Senator Maxwell, **SB 741** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Rohrbach	Singleton--2		
	Absent--Senator Staples--1		
	Absent with leave--Senator Flotron--1		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 721**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 721

An Act to repeal sections 209.251, 209.253, 209.255, 209.258 and 209.259, RSMo Supp. 1999, relating to telecommunications for persons with disabilities, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 721** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Flotron--1			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 558**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 558

An Act to repeal section 278.130, RSMo 1994, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SB 558** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			

Absent with leave--Senator Flotron--1

Vacancies--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Johnson	Singleton	Staples--3
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Absent with leave--Senator Flotron--1

Vacancies--1

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1015**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator Quick submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1036**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1018**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent

Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1037**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **RESOLUTIONS**

Senator Quick offered Senate Resolution No. 1323, regarding Miles Matthew Appling, Kansas City, which was adopted.

On behalf of Senator Flotron, Senator DePasco offered Senate Resolution No. 1324, regarding Rebecca Sheffield, Pattonville, which was adopted.

Senator Caskey offered Senate Resolution No. 1325, regarding Clifford A. "Cliff" Borgstadt, Pleasant Hill, which was adopted.

Senator Kenney offered Senate Resolution No. 1326, regarding Ardell Bergmann, Sedalia, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Westfall introduced to the Senate, Vinita Hall and Mary Thomas, Monett.

Senator Caskey introduced to the Senate, Susan Bentele, Sandi Tunis and seventy volunteers and staff members of the March of Dimes.

Senator Wiggins introduced to the Senate, Annette Waugh, Mary Jones and Joan Vaughn Nelle, Kansas City.

Senator DePasco introduced to the Senate, Amy Reimal, Kathleen Cannady and Leslie Kincaid, Independence.

Senator Caskey introduced to the Senate, Chris Keesler, Belton.

Senator Russell introduced to the Senate, Valerie Moats, Waynesville; and Wanita Humphrey, Iberia.

Senator Stoll introduced to the Senate, Andy Bingham, Tom Nesselhauf and students from Festus Senior High School, Festus.

On behalf of Senator Johnson, the President introduced to the Senate, his son, Beery Johnson, Mrs. LaFave, Mrs. Griener and fifty seventh grade students from Truman Middle School, St. Joseph.

Senator Yeckel introduced to the Senate, Paul Foraker and fifteen ninth and tenth grade students from Victory Christian School, St. Louis County; and Luke Henrich, Stephen Ballance, Sarah Jackson and Katie Gross were made honorary pages.

Senator Howard introduced to the Senate, members of the Three Rivers Community College Student Government, Poplar Bluff.

On behalf of Senator Flotron, Senator Mueller introduced to the Senate, thirty-eight fourth grade students from Twin Oaks Christian School, St. Louis.

On behalf of Senator Mathewson, the President introduced to the Senate, a group from State Fair Community College, Sedalia.

Senator Stoll introduced to the Senate, eight members of the Jefferson College Student Senate, Jefferson County.

On behalf of Senator Johnson, the President introduced to the Senate, Mr. Schiesl, Mrs. Lance, Mr. Loving and fifty students from Truman Middle School, St. Joseph.

Senator Rohrbach introduced to the Senate, the

Physician of the Day, Dr. David Rispler, Jefferson City.

Senator Johnson introduced to the Senate, Cindy, Bob, Chris, Katie and Kimberly Kennaley, Home Schoolers from Kansas City.

Senator Westfall introduced to the Senate, Kenneth and Keaton Ashlock, Bolivar; and Keaton was made an honorary page.

Senator Caskey introduced to the Senate, his wife, Kay, Mrs. Jill Smith, Mr. Wade, thirty-five fourth grade students and twenty sponsors from Cass County Elementary School, Archie; and Kelsey Thomas, Callie Mawson, Cody Powell and Jennifer Smart were made honorary pages.

Senator Ehlmann introduced to the Senate, W. Dale Finke, St. Louis.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-SEVENTH DAY--WEDNESDAY, MARCH 8, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 51:11: "Create in me a clean heart, O God, and renew a right spirit within me."

God of Great Compassion, throughout history You have called Your people of every tribe and nation to return to You, to repent of wrong doing, and be open for a "right spirit" within. For us Christians we observe Ash Wednesday and the season of Lent; it is for us to remember Your call to repent and return to You our God. Help us hear Your call to all people of every faith to follow Your guidance in the midst of temptations and empty promises and let us be filled with hope, renewed through Your constant forgiveness and live the promise of Your abiding presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1327, regarding Lynn Adrian Harmon, which was adopted.

Senator Clay offered Senate Resolution No. 1328, regarding Bobbie J. (Hunter) Thomas, St. Louis, which was adopted.



## SENATE BILLS FOR PERFECTION

Senator House moved that **SB 729**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 729**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 729

An Act to repeal sections 105.269, 160.400, 160.405, 160.410, 160.415 and 160.420, RSMo Supp. 1999, relating to charter schools, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 729** be adopted.

Senator House offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 729, Page 7, Section 160.405, Line 101, by striking the word "and"; and further amend said line, by inserting immediately after the word "school's" the following: "**employees and**"; and

Further amend said bill and section, page 8, line 146, by striking the following: "on-goingly"; and further amend line 147, by inserting immediately after the word "compliance" the following: "**and remains in compliance**"; and

Further amend said bill, page 10, section 160.410, line 45, by inserting immediately after the word "to" the following: "**the parent, guardian or other custodian of**"; and further amend lines 46-47, by striking the following: "and to the parent, guardian or other custodian of any such student"; and

Further amend said bill, pages 13-14, section 160.420, lines 1-31, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Rohrbach offered **SA 1** to **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1 TO

#### SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Lines 1-3 of the amendment, by striking all of said lines and inserting in lieu thereof the following: "by striking all the bold language on lines 100 and 101,".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 2** to **SA 1**, which was read:

## SENATE AMENDMENT NO. 2 TO

## SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Lines 13-15 of said amendment, by striking all of said lines and inserting in lieu thereof the following:

"Further amend said bill, Page 13, Section 160.420, Line 8, by inserting an opening bracket "[" immediately before "A teacher"; and further amend line 10, by striking the boldface language and inserting immediately after the period "." on said line a closing bracket "]"".

Senator Bland moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Maxwell assumed the Chair.

At the request of Senator House, **SB 729**, with **SCS**, **SA 1** and **SA 2** to **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

### RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1329, regarding the St. Charles West High School 3A Wrestling Warriors, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1330, regarding Mike Hansen, Wentzville, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1331, regarding the Francis Howell High School 4A Wrestling Team, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1332, regarding the Fort Zumwalt South High School 4A Wrestling Team, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1333, regarding the Francis Howell North High School 4A Wrestling Knights, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1334, regarding the St. Charles High School 3A Wrestling Pirates, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1335, regarding the St. Charles High School 4A Girls Basketball Pirates, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 858**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies

furnished the Senators are correct.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1254**, entitled:

An Act to repeal sections 374.700 and 374.755, RSMo 1994, and section 374.715, RSMo Supp. 1999, relating to the regulation and licensing of certain professions, and to enact in lieu thereof thirty-five new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1644**, entitled:

An Act to repeal sections 169.050, 169.070, 169.075, 169.600, 169.620 and 169.670, RSMo Supp. 1999, relating to the school retirement systems, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1443**, entitled:

An Act to repeal section 144.030, RSMo Supp. 1999, relating to sales tax exemptions, and to enact in lieu thereof two new sections for the sole purpose of providing sales tax exemptions for admission fees for hunting and fees for sales of feed and equipment used for production of certain domestically raised pheasants, partridges, quail and ungulates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 763**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 763** was again taken up.

Senator Johnson assumed the Chair.

Senator Howard offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Pages 23-24, Section 407.1300, by striking all of said section; and

Further amend said bill, Pages 24-26, Section 407.1310, by striking all of said section; and

Further amend said bill, Page 26, Section 407.1320, by striking all of said section; and

Further amend said bill, Page 26, Section 407.1330, by striking all of said section; and

Further amend said bill, Pages 26-27, Section 407.1340, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 12, Section 407.1082, Lines 22-25 of said page, by striking all of said lines and inserting in lieu thereof the following: "**available by law.**"; and

Further amend said bill, Page 13, Section 407.1082, Line 1 of said page, by striking all of said line; and

Further amend said bill, Page 16, Section 407.1085, Lines 6-14 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"2. The office of the attorney general shall receive telemarketing complaints by means of a toll-free telephone number, by a notice in writing or by electronic means. Complaints against entities who are licensed, certificated or permitted and whose telemarketing practices are regulated by the same state or federal agency and which agency has rules regulating telemarketing practices shall be forwarded for investigation by the office of the attorney general to such agency. All other complaints shall be handled by the office of the attorney general."**

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 15, Section 407.1085, Lines 9-14 of said page, by striking all of said lines and inserting in lieu thereof the following: "**consumers in response to the catalog, and stops further solicitation of items not in a catalog when the consumer states that he or she is not interested in any further solicitations; or**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Klarich offered **SA 4**, which was read:

### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 15, Section 407.1085.1.3, Line 21, by adding after the word "Agency", the following: "or a regulatory organization created by the Maloney Act Amendments to the Securities and Exchange Act of 1934".

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Ehlmann, Kenney and Steelman.

**SA 4** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Sims
Steelman	Westfall	Yeckel--15	
NAYS--Senators			
Caskey	Childers	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Scott	Singleton	Staples	Stoll
Wiggins--17			
Absent--Senator Bland--1			
Absent with leave--Senators--None			
Vacancies--1			

Senator Goode offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 20, Section 407.1107, Line 15, by inserting after said line the following:

**"3. No telemarketer shall access a consumer's bank account without prior written authorization by the consumer."**

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Kenney offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Pages 17-19, Section 407.1101, by striking all of said section; and

Further amend said bill, pages 19-20, Section 407.1104, by striking all of said section; and inserting in lieu thereof the following:

**"407.1088. 1. The secretary of state shall establish and provide for the operation of a data base to compile a list of telephone numbers of telecommunications service subscribers who object to receiving telephone solicitations.**

**2. The secretary of state shall promulgate regulations which:**

- (1) Establish a toll-free number and Internet address as a method for an individual to subscribe to the data base or to remove the individual's name from the database;**
- (2) Establish a method for a telemarketer to obtain access to the data base so that such individual or entity does not call a subscriber of the data base.**

**3. A telemarketer shall obtain access to the data base on a quarterly basis and retrieve a list of subscribers.**

**4. The secretary of state shall make the data base available to the Federal Communications Commission for inclusion in a national data base of telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C., Section 227(c)(3)."; and**

Further amend said bill, pages 20-22, Section 407.1110, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Childers, Russell, Steelman and Westfall.

**SA 6** failed of adoption by the following vote:

YEAS--Senators			
Flotron	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Russell
Sims	Singleton	Steelman	Westfall
Yeckel--13			
NAYS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Schneider
Scott	Stoll	Wiggins--19	
Absent--Senator Staples--1			
Absent with leave--Senators--None			
Vacancies--1			

Senator Mathewson assumed the Chair.

At the request of Senator Howard, **SB 763**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Maxwell moved that **SB 867** and **SB 552**, with **SCS**, **SS** for **SCS**, **SA 4** and **SA 1** to **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** to **SA 4** was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

SA 4 was again taken up.

Senator House offered SA 2 to SA 4:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 242 of the Senate Journal for Tuesday, February 15, 2000, Column 1, Lines 24-45 of said column, by striking all of said lines; and further amend column 2, lines 1-20 of said column, by striking all of said lines and inserting in lieu thereof the following:

**"(5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**

**(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**

**(b) Where childbirths are not performed; and**

**(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**

**(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**

**(e) Which provides its services at no cost; and**

**(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code."**

Senator House moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 6, Section 135.500, Line 23, by inserting after the word "business" the following: **"not located in any metropolitan statistical area as defined by the bureau of the Census in the United States Department of Commerce"**.

Senator Steelman moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

President Pro Tem Quick assumed the Chair.

At the request of Senator Steelman, SA 5 was withdrawn.

Senator Maxwell moved that SS for SCS for SBs 867 and 552, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, SS for SCS for SBs 867 and 552, as amended, was declared perfected and ordered

printed.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1737**, entitled:

An Act to repeal sections 376.955 and 376.956, RSMo 1994, relating to long-term care insurance policy consumer guides, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1082**, entitled:

An Act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra T. Bollinger, 112 East Tywappity, Post Office Box 63, Benton, Scott County, Missouri 63736, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until her successor is duly appointed and qualified; vice, Sharon Worrell, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR



State of Missouri

Jefferson City, Missouri

March 8, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathleen A. Coleton, 2 Southwest Whitlock Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 324.478.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry L. Deskins, Republican, 27 Washington Terrace, St. Louis City, Missouri 63108, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stacy A. Mangum, Pharm.D., 304 Southeast Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until his successor is duly appointed and qualified; vice, Christine Meyer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peggy Wanner-Barjenbruch, M.D., 7626 Audrain County Road Number 355, Mexico, Audrain County, Missouri 65265, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until her successor is duly appointed and qualified; vice, Valerie Walker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1336, regarding Anne-Marie Rozwadowska, Paris, France, which was adopted.

Senator Schneider offered the following resolution:

### SENATE RESOLUTION NO. 1337

#### Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Fourteenth District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 26 be amended to read as follows:

"Rule 26. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. **No standing committee shall have more than seven members, except the appropriations committee, which shall have nine members. The president pro tem shall modify appointments to standing committees established pursuant to Rule 25 accordingly.**"

## COMMUNICATIONS

Senator Klarich submitted the following:

March 8, 2000

Terry Spieler

Secretary of the Senate

Room 325, State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Pursuant to Rule 45, I am requesting that Senate Bill 995, which allows for suspension of the motor vehicle emissions inspection program, be removed from the Senate Consent Calendar.

I appreciate your attention to this matter.

Sincerely,

/s/ David Klarich

DAVID J. KLARICH

State Senator

## INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Amanda Callaway and Medonna Jenkins, Bolivar; and Amanda and Medonna were made honorary pages.

Senator Bentley introduced to the Senate, Beth Nickle, Helen Cavin, Vise Toasio, Heather Van Zant, Jessica Hunt, Nick Taylor and Lisa Funk, Springfield.

Senator Rohrbach introduced to the Senate, Morgan Nacy, Jake Seifert and Josh Young, Jefferson City; and Jennifer McNay, Jamestown.

Senator Russell introduced to the Senate, Nickie Jones, Grovespring; and Peggy Preston, Nixa.

Senator Howard introduced to the Senate, Russell Duckworth, Brian Polk and Jon Kiser, Wayne County.

Senator Childers introduced to the Senate, Ruby Vincent, Irene Voyles, Linda Van Deuren and Janet B. Laue, Crane.

Senator Ehlmann introduced to the Senate, Don and Kay Young, St. Charles.

Senator Singleton introduced to the Senate, Tommy Eaves, Joplin.

Senator Maxwell introduced to the Senate, Jamie Graham and Jeff Brown, Kirksville.

Senator DePasco introduced to the Senate, volunteers and staff of the American Cancer Society.

Senator Mueller introduced to the Senate, Angela Anastasia Zylka, Colleen Cassidy Heck and Kara Elizabeth King, St. Louis County; and Angela, Colleen and Kara were made honorary pages.

Senator Westfall introduced to the Senate, Travis Clark and Josh Voet, Bolivar; and Travis and Josh were made honorary pages.

Senator Stoll introduced to the Senate, Jeff Montgomery and eighty ninth grade students from Festus Senior High School, Festus.

On behalf of Senator Mathewson, the President introduced to the Senate, Jenny Bellington, Oak Grove.

Senator Clay introduced to the Senate, members of Youth Build, St. Louis.

Senator Ehlmann introduced to the Senate, Frank Kessler, Macomb, Illinois; and Steve Spencer, St. Charles.

Senator Russell introduced to the Senate, Lee Eaton, Lebanon.

Senator Singleton introduced to the Senate, Chief Charles Enyart, Rod Durosett and Alicia Sinclair, Eastern Shawnee Tribe.

Senator Kenney introduced to the Senate, Bill Embry, Lee's Summit.

Senator Kinder introduced to the Senate, Megan Hildebrand, Sikeston.

Senator House introduced to the Senate, Cindy Buehler, St. Charles; and eighteen teachers with the National Board of Professional Teaching Standards.

On behalf of Senator Johnson, the President introduced to the Senate, Gretchen Whitman, Gentry Swink and June Morgan, Savannah; Stephanie Erdman, Rock Port; and Phillip Schwarz,

Jan Schwarz, Cristopher Pottier, Zach Harris, Ricky Winder, Kathy Burson, Michelle Warner and Mrs. Erdman, Kansas City.

Senator Rohrbach introduced to the Senate, Cecil and Evangeline Kramer and Julie Gordeuk, Lyndon, Kansas; and Donna Scott, St. Clair County.

Senator Wiggins introduced to the Senate, Steve, Greg, Kevin, Patrick and Kyle Larm, Kansas City; and Kevin, Patrick and Kyle were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**THIRTY-EIGHTH DAY--THURSDAY, MARCH 9, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Thy Word was unto me the joy and rejoicing of mine heart." (Jeremiah 15:16)

Beloved Father, as we complete the work of this week and head home to be with loved ones and family, we would pray that Your Word continues to bring joy in our hearts and joy in our daily living. As we discern Your Word this weekend may we keep Your judgements and grace in a proper perspective and may Your gifts of peace, joy and love be permanent residents of our souls. Bless us O Lord with Your guidance and watch our "going out and coming in." Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Scott--1			
Vacancies--1			
The Lieutenant Governor was present.			

Senator Wiggins assumed the Chair.

## RESOLUTIONS

Senator Schneider moved that **SR 1185** be taken up for adoption, which motion prevailed.

Senator Schneider offered **SS** for **SR 1185**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 1185

## Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Fourteenth District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to [amendment by a further floor] **more than one additional pending substitute which shall be in the first degree and subject to second degree amendments.** No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

Senator Schneider moved that **SS** for **SR 1185** be adopted.

Senator Johnson assumed the Chair.

Senator Flotron offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 1185, Page 1, Line 12, by inserting immediately after said line the following:

**"If a joint resolution proposes amending the Constitution or a proposed measure is to be submitted by the General Assembly to the voters and contains ballot language and an official summary statement and fiscal note summary, the resolution or bill shall be referred to the Committee on Rules, Joint Rules and Resolutions before being considered by the Senate for third reading. The author shall be entitled to a hearing on the resolution or bill but the hearing shall be limited to the reception of testimony presented by the author about the official summary statement and fiscal note summary. The Committee may recommend the passage of a resolution or bill and may recommend an amendment or amendments only for the portion of the resolution or bill that contains the proposed official summary statement and fiscal note summary."**

Senator Flotron moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 1** is out of order as it is not a true amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob raised the point of order that **SA 1** is out of order as the amendment is not germane to the scope of the resolution.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SS** for **SR 1185** was again taken up.

Senator Westfall offered **SA 2**, which was read:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Resolution No. 1185, Page 1, Line 11, by adding after the "." on line 11, the following: **"A Senator shall not be allowed to offer a floor substitute to a pending floor substitute offered by the same Senator."**

Senator Westfall moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Wiggins assumed the Chair.

On motion of Senator Schneider, **SS** for **SR 1185** was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	Johnson
Kenney	Kinder	Klarich	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Steelman	Westfall	Wiggins
Yeckel--21			
NAYS--Senators			
Bland	Caskey	Clay	House
Howard	Jacob	Maxwell	Mueller
Staples	Stoll--10		
Absent--Senators--None			
Absent with leave--Senators			
Rohrbach	Scott--2		
Vacancies--1			

Senator Flotron offered the following resolution:

#### SENATE RESOLUTION NO. 1338

##### Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Seventh District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 47 be amended to read as follows:

"Rule 47. **1.** Each bill or joint resolution shall, before being finally acted upon by any committee, be submitted to the committee on legislative research for preparation of a fiscal note examining the cost of the proposed legislation to the state for the first two years that public funds will be used to fully implement the provisions of the Act, whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency, whether or not there is a federal mandate for the program or agency, whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state, or whether or not any new physical facilities will be required.

**2.** The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

**3. If a joint resolution proposes amending the Constitution or a proposed measure is to be submitted by the General Assembly to the voters and contains ballot language and an official summary statement and fiscal note summary, the resolution or bill shall be referred to the Committee on Rules, Joint Rules and Resolutions before being considered by the Senate for third reading. The author shall be entitled to a hearing on the resolution or bill but the hearing shall be limited to the reception of testimony presented by the author about the official summary statement and fiscal note summary. The Committee may recommend the passage of a resolution or bill and may recommend an amendment or amendments only for the portion of the resolution or bill that contains the proposed official summary statement and fiscal note summary."**

#### PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Flotron moved that the vote by which **SR 1204** was defeated be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	House
Johnson	Kenney	Kinder	Mathewson

Maxwell	Quick	Russell	Schneider
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--22		
	NAYS--Senators		
Caskey	Clay	Graves	Howard
Jacob	Klarich	Mueller	Staples
Stoll--9			
	Absent--Senators--None		
	Absent with leave--Senators		
Rohrbach	Scott--2		
	Vacancies--1		

**SR 1204** was again taken up.

At the request of Senator Goode, **SR 1204** was placed on the Resolutions Calendar.

### THIRD READING OF SENATE BILLS

**SB 924**, introduced by Senator Maxwell, entitled:

An Act to amend chapter 94, RSMo, relating to sales taxes for economic development by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 924** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Graves--1		
	Absent--Senators--None		
	Absent with leave--Senator Scott--1		
	Vacancies--1		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 542**, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to



enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 542**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 542

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 542** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 542** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Graves	Howard	Rohrbach	Singleton--4
Absent--Senators--None			
Absent with leave--Senator Scott--1			
Vacancies--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 753**, introduced by Senator DePasco, entitled:

An Act to repeal section 82.300, RSMo 1994, relating to constitutional charter cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 753** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Bland--1

Absent--Senator Schneider--1

Absent with leave--Senator Scott--1

Vacancies--1

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 617** and **SB 646**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

### THIRD READING OF SENATE BILLS

**SB 617**, introduced by Senator Johnson and **SB 646**, introduced by Senator Wiggins, with **SCS**, entitled respectively:

An Act to repeal sections 194.210 and 194.230, RSMo 1994, and sections 194.220, 194.233, 194.240, 194.297, 194.299, 194.300, 194.302 and 302.181, RSMo Supp. 1999, and to enact in lieu thereof eighteen new sections for the purpose of enacting the dedication to donation act.

An Act to repeal sections 194.210 and 194.230, RSMo 1994, sections 194.220, 194.233, 194.240, 194.297, 194.299, 194.300 and 194.302, RSMo Supp. 1999, and section 302.181 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, first regular session of the ninetieth general assembly, and to enact in lieu thereof eighteen new sections relating to anatomical donation.

Were called from the Consent Calendar and taken up by Senator Johnson.

**SCS** for **SBs 617** and **646**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILLS NOS. 617 and 646

An Act to repeal sections 194.300 and 194.302, RSMo Supp. 1999, section 302.171 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, first regular session of the ninetieth general assembly, and section 302.171 as enacted by house bill no. 783, first regular session of the eighty-ninth general assembly, and to enact in lieu thereof three new sections relating to anatomical donation.

Was taken up.

Senator Johnson moved that **SCS** for **SBs 617** and **646** be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Johnson, **SCS** for **SBs 617** and **646** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Scott--1			
Vacancies--1			

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 830**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 1018**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

On behalf of Senator Maxwell, Chairman of the Committee on Commerce and Environment, Senator Quick submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 720**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Quick submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 980**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator Quick submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1016**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 851**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 817**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 793**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 959** and **SB 598**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 954**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 1027** and **SB 815**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which were referred **SB 538** and **SB 565**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which were referred **SB 584**, **SB 539**, **SB 630**, **SB 777**, **SB 796**, **SB 918** and **SB 927**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which were referred **SB 818** and **SB 564**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell assumed the Chair.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kevin W. Snedden, as a member of the Missouri Board of Therapeutic Massage;

Also,

Debra L. Snoke, as a member of the Missouri Commission on Human Rights;

Also,

Brenda J. Wrench, as a member of the Missouri Training and Employment Council;

Also,

Earline B. White, as a public member of the Interior Design Council;

Also,

James W. "Jamie" Graham, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Gerald E. Winship and John R. Bondon, as members of the Jackson County Sports Complex Authority;

Also,

James "Jim" W. Hutcheson, as a member of the Missouri Real Estate Commission;

Also,

Michael Phillips, as a member of the Advisory Commission for Clinical Perfusionists;

Also,

David A. Rice and Michael H. Metzler, as members of the State Advisory Council on Emergency Medical Services;

Also,

Meriam E. "Beth" Williams, as a member of the Board for Certification of Interpreters;

Also,

Martha E. Hildebrandt, as a member of the Well Installation Board;

Also,

Wildie L. Webster, as a member of the Missouri Fire Education Commission;

Also,

Jacqueline McKinsey, as a member of the Missouri Women's Council.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Quick assumed the Chair.

## **RESOLUTIONS**

Senator Sims offered Senate Resolution No. 1339, regarding Kevin T. Higashikubo, St. Louis, which was adopted.

Senator Goode offered Senate Resolution No. 1340, regarding the PAKT Community Resource Center, which was adopted.

## **CONCURRENT RESOLUTIONS**

Senator Clay offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 31**

WHEREAS, the members of the Missouri General Assembly deem it fitting and proper to honor citizens who have touched the lives of many individuals; and

WHEREAS, Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama and married Ray Parks in 1932; and

WHEREAS, on December 1, 1955, in Montgomery, Alabama, Rosa refused to surrender her seat to a white man and was arrested for violating the city's segregation laws; and

WHEREAS, a mass 382-day boycott of the Montgomery bus system resulted, later followed by our nations' civil rights movement, all of which took place because one woman decided to stand up for what she believed in; and

WHEREAS, Rosa Parks worked for the Montgomery Voters League, the NAACP Youth Council, and other civic and religious organizations and she worked as a seamstress and a housekeeper in order to support herself; and

WHEREAS, on December 21, 1956, the Supreme Court ruling banning segregation of the city's public transit vehicles went into effect; and

WHEREAS, in 1986, Rosa Parks received an Ellis Island Medal of Honor, in 1996 she received the Presidential Medal of Freedom and in 1999

she received the Congressional Gold Medal all for her achievements on behalf of civil rights:

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby join unanimously in honoring Rosa Parks, by designating the portion of Interstate Highway 55, one mile south of Lindbergh Boulevard to Butler Hill Road and located in St. Louis County as the "Rosa Parks Highway"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Transportation.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1292**, entitled:

An Act to amend chapter 376, RSMo, relating to health insurance by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1353**, entitled:

An Act to repeal section 58.449, RSMo 1994, relating to coroners' test results, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1185**, entitled:

An Act to authorize the governor to convey certain property to the City of Jefferson.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Phyllis Steckel and twenty-five members of Aid Association for Lutherans, Washington.

Senator Graves introduced to the Senate, the Physician of the Day, Zahid Hamid, M.D., Mound City.

Senator Graves introduced to the Senate, members of the Maryville Chamber of Commerce, Maryville.

Senator Jacob introduced to the Senate, MSTA teachers and support staff, Columbia.

Senator Maxwell introduced to the Senate, Beth Davis and Julie Lehenbaur, Palmyra.

Senator Maxwell introduced to the Senate, Brianne Lile, Shanhna Peters, Tiffany Hill, Katrina Salt, Ashleigh Zeigler, Melissa Pipper and Cassie Speaks, members of Becky Thatcher Girl Scout Troop 167; and Jacob Peters, Samuel Salt, Velda Salt and Melissa Peters, Kirksville.

Senator Schneider introduced to the Senate, students from Brown Elementary School, St. Louis; and Jessica Randazzo, Daniel Stephens, Jonathan Bick and Chasity Ussery were made honorary pages.

Senator Schneider introduced to the Senate, Sue Downs, Jeanne Willie, Bob Manges and forty-five fourth grade students from Robinwood Elementary School, St. Louis; and Jeremy Caldwell, Jacob Franck, Julisa Watt and Brittanie Rice were made honorary pages.

Senator Bentley introduced to the Senate, Ken Coleman and members of Boys and Girls Town of Springfield.

Senator Sims introduced to the Senate, Geneva Golden, Lisa Brammer and Kevin Hutchinson, St. Louis; and Ann Valenzuela, St. James.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, March 13, 2000.



# Journal of the Senate

SECOND REGULAR SESSION

**THIRTY-NINTH DAY--MONDAY, MARCH 13, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

The Zen Masters teach: "You can never put your finger into a rushing stream twice in the same spot."

Gracious God, by Your grace You teach us to let the past be the past; to let our failures and errors that have been forgiven go and float down the flowing stream of life. We are to let hard feelings and angry words go for they will only tie us to the past. You teach us to be open to what is and what will come. So help us therefore to do more good with our lives as we begin this new week, letting go of past hindrances and respond to the opportunities You present before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

## **MESSAGES FROM THE SECRETARY OF STATE**

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SENATE PRO TEM

Honorable Edward Quick

Jefferson City, MO

Sir:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 5th Senatorial District in the State of Missouri, on the 7th day of March, 2000, as provided by law, the following named person was elected to the office of State Senator, 5th Senatorial District as shown by the election results certified to this office by the election authority of the 5th Senatorial District.

<b>Name</b>	<b>Office</b>
Paula J. Carter	State Senator
5936 Summit	5th Senatorial District
St. Louis, MO 63147	

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of my office this 9th day of March, 2000.

(Seal) Rebecca McDowell Cook

Secretary of State

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 9, 2000, was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Staples--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senators Kenney and Caskey offered Senate Resolution No. 1341, regarding James Milton Earll, Nevada, which was adopted.

Senator Schneider offered Senate Resolution No. 1342, regarding John Charles Meyer, Florissant, which was adopted.

Senator Maxwell offered Senate Resolution No. 1343, regarding Hannibal, Missouri, a Disaster Resistant Community, which was adopted.

Senator Schneider offered Senate Resolution No. 1344, regarding Tina Rose Martin, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1345, regarding Imogene Donahue, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 1346, regarding Jeremy Wayne Friesz, Harrisonville, which was adopted.

Senator Kenney offered Senate Resolution No. 1347, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Bernie Kanies, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1348, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Orville R. Abney, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1349, regarding William James "Billy" Truschke, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1350, regarding Austin Frank Hollingshead, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1351, regarding Joshua Wayne "Josh" Strickland, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1352, regarding John Frederick Hobbs, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1353, regarding Benjamin Charles "Ben" Foss, Lee's Summit, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 683**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1053**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 974**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 936**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 936, Page 1, Section 144.157, Line 2, by inserting after the word "sections" as it appears the first time in the sentence, the following: "**67.1170 to 67.1180**".

### SENATE BILLS FOR PERFECTION

**SB 577**, with **SCS**, was placed on the Informal Calendar.

Senator Goode moved that **SJR 46**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 46**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE JOINT RESOLUTION NO. 46

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to utility taxation and adopting one new section relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **SJR 46** be adopted.

Senator Wiggins assumed the Chair.

Senator Goode offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 46, Page 2, Section 25, Lines 28-29, by striking all of said lines and inserting in lieu thereof the following: "**replaced as if the replaced tax applied in the base year to charges for natural gas as provided by law.**"; and

Further amend said resolution, Page 2, Section 25, Line 30, by inserting after "(b)" the following: "**Subsequent tax rate changes of any replacement tax authorized pursuant to this section above the rate initially authorized as provided herein shall be subject to the provisions of article X, section 22 of this constitution requiring voter approval.**".

Senator Goode moved that the above amendment be adopted.

Senator Maxwell offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 46, Page 1, Section 25, Line 2, by striking the words "**and natural gas**"; and

Further amend said bill, Page 1, Section 25, Lines 6 and 7, by striking all of said lines and inserting in lieu thereof the following: "**from sales of electricity, including license or occupational taxes; franchise fees based on gross receipts from sales of electricity; local**"; and

Further amend said bill, Page 1, Section 25, Line 9, by striking the words "**and natural gas**"; and

Further amend said bill, Page 2, Section 25, Lines 15 and 16, by striking all of said lines and inserting in lieu thereof the following: "**other person who delivers electricity to the user, or upon the user if the electricity is received other than from a distributor or other person**"; and

Further amend said bill, Page 2, Section 25, Lines 21 through 29, by striking all of said lines and inserting in lieu thereof the following: "**as provided by law, for each generally recognized group of like users.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Maxwell moved that **SSA 1** for **SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Kenney and Klarich.

**SSA 1** for **SA 1** was adopted by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Clay
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Maxwell

Mueller	Quick	Russell	Scott
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel--22		
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Johnson	Mathewson
Rohrbach	Schneider	Westfall--11	
	Absent--Senators--None		
	Absent with leave--Senator Staples--1		

At the request of Senator Goode, **SJR 46**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

## RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 1354

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Menefee D. Blackwell, of Kansas City; and

WHEREAS, Mr. Blackwell, a native of Lexington, Missouri, was one of Kansas City's most distinguished and most highly respected lawyers; and

WHEREAS, Mr. Blackwell graduated from the University of Missouri-Columbia with an AB Degree in 1936; and

WHEREAS, Mr. Blackwell graduated from the University of Michigan School of Law in 1939 with a JD Degree and was also admitted to practice in Missouri in 1939; and

WHEREAS, Mr. Blackwell, during his undergraduate and law school careers, was a member of both Phi Beta Kappa and the Order of the Coif, the two highest honors available for individual scholastic achievement in any University then or now; and

WHEREAS, Mr. Blackwell distinguished himself among all lawyers in Kansas City and Missouri, wherein he was held in universal respect and admiration and was the distinguished senior partner and later of counsel for the firm of Blackwell, Sanders, Peper, Martin, one of the premier firms in Kansas City, Missouri with the reputation for its excellence and integrity:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a distinguished Kansas City attorney, Menefee D. Blackwell, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and the legal profession, and to extend to his family, legal associates and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the family of Menefee D. Blackwell and Blackwell, Sanders, Peper, Martin.

## REFERRALS

President Pro Tem Quick referred **SCR 31** to the Committee on Rules, Joint Rules and Resolutions.

## CONCURRENT RESOLUTIONS

Senators Maxwell and Bland offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

*"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.*

*Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*

*Section 3. This amendment shall take effect two years after the date of ratification."*; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the Missouri House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the United States Congress from Missouri with request that it be printed in the Congressional Record.

## COMMUNICATIONS

President Pro Tem Quick submitted the following:

March 10, 2000

The Honorable Paula Carter

Missouri Senate

Capitol Building, Room 323

Jefferson City, MO 65101

Dear Senator Carter:

It is my pleasure to appoint you to the Senate Insurance and Housing and Senate Judiciary standing committees.

I look forward to working with you throughout this legislative session.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his daughters, Rachael and Elsa, Ballwin; and Laura, Gregory and Linda Geremia, Jefferson City; and Rachael, Elsa, Laura and Gregory were made honorary pages.

Senator Childers introduced to the Senate, Amber Simms, Jeremy Chapman, Melissa White, Tessa Timmons, Taylor Harness, Ashley Calloway, Matt Gouldsmith and Jeremy Denham, Reeds Spring.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FORTIETH DAY--TUESDAY, MARCH 14, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 111:10: "The fear of the Lord is the beginning of Wisdom."

Creator of all that exist, we know that we live in a time where human knowledge expands at an ever faster rate. But we have also learned that knowledge is certainly different than wisdom. Wisdom comes from making mistakes and learning from them. Give to us the humility to acknowledge before You our failures and repentance in them and to learn from them. And may we with wisdom have Your guidance as we deal with the complex facts and challenges that come before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

Photographers from the Associated Press, the Senate and St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

**Present--Senators**

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Quick offered Senate Resolution No. 1355, regarding Richard J. Gartin, Excelsior Springs, which was adopted.

Senator Mueller offered the following resolution, which was adopted:



SENATE RESOLUTION NO. 1356

WHEREAS, the members of the Missouri Senate were truly saddened by the recent death of longtime Show-Me State resident Harrison N. Howe who was born on November 10, 1928, in Little Rock, Arkansas, and moved to St. Louis with his family when he was six years of age; and

WHEREAS, an honorable military veteran, Harrison Howe served in the United States Navy on board aircraft carriers during World War II and again during the Korean Conflict; and

WHEREAS, down through the years Harrison Howe garnered an impressive reputation due to his valued work at Anheuser-Busch Company in St. Louis; DuPont Company's Engineering Services Division in Wilmington, Delaware; Gulf Oil Company's Agricultural Division in Kansas City, Missouri; and Monsanto Company headquarters in St. Louis, employment by which he admirably supported his wonderful family which ultimately included his beloved wife, Virginia; son, James; daughter Victoria; and four grandchildren; and

WHEREAS, a cofounder of FormPak, Incorporated in Kirkwood, Missouri, Harrison Howe was recently honored as a Fifty-Year member of the national American Society of Mechanical Engineers who also diligently devoted his time and efforts to the leadership of First Presbyterian Church of Kirkwood and of such esteemed community service organizations as the Henry Shaw Cactus Society, Kirkwood Historical Society, Talking Tapes/Textbook on Tapes, Incorporated, Bonhomme Township Republican Club, St. Louis Zoo docents, Junior Achievement, and the Jefferson Club of the University of Missouri; and

WHEREAS, as treasurer of the re-election campaign of the Honorable Walt Mueller, State Senator from District Fifteen, Harrison Howe diligently and effectively traversed the quagmire of ethical reports and thus demonstrated his true friendship; and

WHEREAS, should the Missouri Senate give a Blue Ribbon to those who have made our lives in Missouri a time to remember; and

WHEREAS, should the Missouri Senate Blue Ribbon express appreciation, respect, honor and love for its recipients:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate extend a Blue Ribbon to a richly deserving Harrison N. Howe; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the late Harrison N. Howe as an expression of our sincerest condolences.

Senator Flotron moved that **SR 1338** be taken up for adoption, which motion prevailed.

Senator Flotron offered **SS** for **SR 1338**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 1338

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 47 be amended to read as follows:

"Rule 47. **1.** Each bill or joint resolution shall, before being finally acted upon by any committee, be submitted to the committee on legislative research for preparation of a fiscal note examining the cost of the proposed legislation to the state for the first two years that public funds will be used to fully implement the provisions of the Act, whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency, whether or not there is a federal mandate for the program or agency, whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state, or whether or not any new physical facilities will be required.

**2.** The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

**3. If a joint resolution proposes amending the Constitution or a proposed measure is to be submitted by the General Assembly to the voters and contains ballot language and an official summary statement and fiscal note summary, the resolution or bill shall be referred to the Committee on Rules, Joint Rules and Resolutions before being considered by the Senate for third reading except as provided herein. The author shall be entitled to a hearing on the resolution or bill but the hearing shall be limited to the reception of testimony presented by the author about the official summary statement and fiscal note summary. The Committee may recommend an amendment or amendments only for the portion of the resolution or bill that contains the proposed official summary statement and fiscal note summary. The committee shall report the resolution bill within five legislative days if referred to it before May 1. On and after May 1, the committee shall report the resolution or bill within one legislative day, except that on and after the second Thursday in May, the resolution or bill shall only be referred to the committee upon request of the sponsor or handler thereof."**

Senator Flotron moved that **SS** for **SR 1338** be adopted.

At the request of Senator Flotron, **SR 1338** with **SS** (pending), was referred to the Committee on Rules, Joint Rules and Resolutions.

**REFERRALS**

President Pro Tem Quick referred **SCR 32** to the Committee on Rules, Joint Rules and Resolutions.

**REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 867** and **552**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Quick referred **SS** for **SCS** for **SBs 867** and **552** to the Committee on State Budget Control.

**THIRD READING OF SENATE BILLS**

**SB 921**, introduced by Senator Scott, entitled:

An Act to repeal section 334.120, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 921** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Singleton--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 976**, with **SCS**, introduced by Senator Sims, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto two new sections relating to the office on women's health.

Was called from the Consent Calendar and taken up by Senator Sims.

**SCS** for **SB 976**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 976

An Act to amend chapter 192, RSMo, by adding thereto two new sections relating to the office on women's health.

Was taken up.

Senator Sims moved that **SCS** for **SB 976** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Sims, **SCS** for **SB 976** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 985**, with **SCA 1**, introduced by Senator Maxwell, entitled:

An Act to authorize the conveyance of state property to the Optimist Club Foundation of Mexico Missouri, Inc.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **SB 985**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins--32

NAYS--Senators--None

Absent--Senators

Quick Yeckel--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 806**, with **SCS**, introduced by Senator Jacob, entitled:

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 806**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 806

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 806** be adopted.

At the request of Senator Jacob, the above motion was withdrawn.

**SB 555**, introduced by Senator Singleton, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state parks.

Was called from the Consent Calendar and taken up.

On motion of Senator Singleton, **SB 555** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Howard moved that **SB 763**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 7**, which was read:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 5, Section 407.1070, Line 23, by inserting immediately after the word "**merchandise**" the following: "**, other than financial, securities or insurance contracts or services,**".

Senator Klarich moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

Senator Childers offered **SA 1 to SA 7**, which was read:

**SENATE AMENDMENT NO. 1 TO**

**SENATE AMENDMENT NO. 7**

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 1, Line 4, by adding after the word "services," "but no contract entered into by an entity under this section shall be enforceable concerning a minor involved in any such agreement by means of a mode of telecommunications".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, SA 1 to SA 7 was withdrawn.

SA 7 was again taken up.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Flotron, Mathewson and Russell.

SA 7 failed of adoption by the following vote:

YEAS--Senators			
Clay	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Scott
Sims	Steelman	Stoll	Westfall
Yeckel--17			
NAYS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Goode	House
Howard	Jacob	Johnson	Maxwell
Quick	Schneider	Singleton	Staples
Wiggins--17			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Mathewson assumed the Chair.

Senator Klarich offered SA 8:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill 763, Page 15, Section 407.1085, Lines 20-25 by deleting all of said lines and inserting in lieu thereof the following:

**"(c) By, on behalf of, or to any entity over which either a state or federal agency has regulatory authority with respect to such entity's telemarketing practices, provided that such entities shall only be exempt pursuant to this paragraph if such agency regulates the transactions conducted by telemarketing or the agency has rules regulating the telemarketing practices of such entities.";** and

Further amend said section, page 16, lines 1-5, by deleting said lines.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Rohrbach, Russell and Singleton.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Westfall--16
NAYS--Senators			
Bentley	Bland	Carter	Caskey

Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Maxwell
Quick	Schneider	Singleton	Stoll
Wiggins--17			
	Absent--Senator Yeckel--1		
	Absent with leave--Senators--None		

Senator Rohrbach offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 27, Section 407.1340, Line 4 of said page, by adding after the end of said line the following:

"Section 1. When any entity is paid for solicit-ing contributions via telephone calls, and the pay is based on contributions received as a result of the phone call, the entity making the calls must disclose immediately to all called parties the net percentage of contributions that go to the organization for which the contribution is solicited."; and

Further amend said bill by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 17, Section 407.1098, by striking all of said section; and

Further amend said bill, Pages 17-19, Section 407.1101, by striking all of said section; and

Further amend said bill, Pages 19-20, Section 407.1104, by striking all of said section; and inserting in lieu thereof the following:

**"407.1101. 1. A seller of goods and services who is a telemarketer, as defined in the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Section 310.2, as in effect on January 1, 2000 shall:**

**(1) In April, July, October, and January of each year, obtain subscription listings of consumers in this state who have arranged to be included on the national do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc., or its successor organization; and**

**(2) Not call any consumer in this state whose name is on the national do-not-call list unless the seller has an established business relationship with the consumer.**

**2. A person is not in violation of this section if the person obtained the listing of a consumer in accordance with this section but called the consumer as the result of a good faith error.";** and

Further amend said bill, Pages 20-22, Section 407.1110, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Childers offered **SA 1 to SA 10**:

SENATE AMENDMENT NO.1 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 2, Section 407.1101, Line 5, by adding after the period on said line the following:

**"3. The attorney general shall establish an advisory group composed of government entities, local telecommunications companies, businesses, and senior citizen and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The attorney general shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination the educational literature. The attorney general may also establish an Internet website that informs residential subscribers of their rights to be placed on a no call list and the various methods, including notice the attorney general, of placing their names on this no call list. The attorney general shall have this literature developed for dissemination to the public no later than January 1, 2001."**

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

**SA 10**, as amended, was again taken up.

Senator Sims moved that the above amendment be adopted.

Senator Howard requested a roll call vote be taken on the adoption of **SA 10**, as amended, and was joined in his request by Senators Childers, House, Mueller and Yeckel.

**SA 10**, as amended, failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	Kinder	Klarich	Mueller
Rohrbach	Russell	Sims	Steelman
Westfall	Yeckel-- 14		
	NAYS--Senators		
Bland	Carter	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Kenney	Mathewson
Maxwell	Quick	Schneider	Stoll
Wiggins-- 17			
	Absent--Senators		
Scott	Singleton	Staples-- 3	
	Absent with leave--Senators--None		

Senator Childers offered **SA 11**:

SENATE AMENDMENT NO.11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 1, In the Title, Line 5 of said title, by inserting immediately after the word "provisions" the following: ", an effective date for certain sections"; and

Further amend said bill, page 18, section 407.1101, lines 9-13 of said page, by striking all of said lines; and further



amend said section, by renumbering the remaining subdivisions accordingly; and

Further amend said bill, pages 22 and 23, section 407.1113, by striking all of said section and inserting in lieu thereof the following:

**"407.1113. The attorney general shall establish an advisory group composed of government entities, local telecommunications companies, businesses, and senior citizen and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The attorney general shall work with local exchange tele-communications companies to disseminate to their residential subscribers information about the availability of and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination of the educational literature. The attorney general may also establish an Internet website that informs residential subscribers of their rights to be placed on a no call list and the various methods, including notice to the attorney general, of placing their names on this no call list. The attorney general shall have this literature developed for dissemination to the public no later than January 1, 2001.";** and

Further amend said bill, page 27, section 407.1340, line 4 of said page, by inserting immediately after said line the following:

"Section B. The provisions of sections 407.1095 to 407.1110 shall take effect on July 1, 2001.".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 12**, which was read:

#### SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 18, Section 407.1101, Line 17, by placing an "[" before the "," on line 17 and placing a "]" after the ";" on line 18. Further amend said bill, same section, page 18, line 17, by inserting in lieu thereof the following:

**". There shall be no cost to the subscriber for joining the database.".**

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 13**, which was read:

#### SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 19, Section 407.1101, Line 18, by adding immediately after said line the following:

**"5. In April, July, October and January of each year, the Attorney General shall be encouraged to obtain subscription listings of consumers in this state who have arranged to be included on any national do-not-call list and add those names to the state do-not-call list.";** and renumbering remaining subsections accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Rohrbach offered **SA 14**, which was read:

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 15, Section 407.1085, Line

25, by striking the word "**The**" and inserting in lieu thereof the word "**A**".

Senator Howard requested a roll call vote be taken on the adoption of **SA 14** and was joined in his request by Senators Caskey, Childers, Clay and DePasco.

**SA 14** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Steelman	Westfall	Yeckel--15	
NAYS--Senators			
Bland	Carter	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stoll		Wiggins--18	
Absent--Senator Singleton--1			
Absent with leave--Senators--None			

Senator Yeckel offered **SA 15**, which was read:

#### SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 14 and 15, Section 407.1085, Lines 9 to 25 on page 14 and lines 1 to 14 on page 15, by striking all of said lines and inserting in lieu thereof the following:

**"(2) Telephone calls initiated by a consumer;"**.

Senator Yeckel moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 15** is out of order as it attempts to amend previously amended material.

At the request of Senator Caskey, the point of order was withdrawn.

At the request of Senator Yeckel, **SA15** was withdrawn.

Senator Howard moved that **SS** for **SCS** for **SB 763**, as amended, be adopted, which motion prevailed.

Senator Mueller requested a roll call vote be taken on the perfection of **SS** for **SCS** for **SB763**, as amended, and was joined in his request by Senators Childers, Johnson, Sims and Singleton.

On motion of Senator Howard, **SS** for **SCS** for **SB 763**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell

Quick	Russell	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			
	NAYS--Senators		
Mueller	Rohrbach	Sims	Yeckel--4
	Absent--Senator Schneider--1		
	Absent with leave--Senators--None		

On motion of Senator DePasco, the Senate recessed until 3:45 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1357, regarding Gerald (Jerry) Hulsey, Carthage, which was adopted.

Senator Singleton offered Senate Resolution No. 1358, regarding Benjamin M. Fitchpatrick, Jasper, which was adopted.

Senator Schneider offered Senate Resolution No. 1359, regarding J. Kim Tucci, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1360, regarding Ozzie Smith, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1361, regarding Mary Beth Montgomery, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 1362, regarding Marvin Bowles, Piedmont, which was adopted.

## SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 807, SB 553, SB 574, SB 614, SB 747** and **SB 860**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 807, 553, 574, 614, 747** and **860**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILLS NOS. 807, 553, 574, 614, 747 and 860

An Act to repeal section 148.400, RSMo 1994, and sections 317.001 and 376.1361, RSMo Supp. 1999, and to enact in lieu thereof ten new sections relating to insurance.

Was taken up.

Senator Jacob moved that **SCS** for **SBs 807, 553, 574, 614, 747** and **860** be adopted.

Senator Jacob offered **SS** for **SCS** for **SBs 807, 553, 574, 614, 747** and **860**, entitled:

### SENATE SUBSTITUTE FOR

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILLS NOS. 807, 553, 574, 614, 747

and 860

An Act to repeal sections 375.017 and 375.126, RSMo 1994, and sections 317.001, 320.094, 376.1361 and 461.051, RSMo Supp. 1999, and to enact in lieu thereof six new sections relating to insurance.

Senator Jacob moved that **SS** for **SCS** for **SBs 807, 553, 574, 614, 747** and **860** be adopted.

Senator Wiggins assumed the Chair.

Senator Klarich raised the point of order that **SS** for **SCS** for **SBs 807, 553, 574, 614, 747** and **860** is out of order as it goes beyond the scope and purpose of the underlying substitute and is therefore not germane.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Singleton offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 807, 553, 574, 614, 747 and 860, Page 17, Section 376.1361, Line 15, by inserting immediately after said line the following:

**"376.1405. 1. Every health insurance carrier offering policies of insurance in this state shall use the explanation of Medicare benefits Part B (EMOB) form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.**

**2. All health insurance carriers shall use the explanation of Medicare benefits Part B (EMOB) form after January 1, 2002.**

**376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.**

**2. The referral form developed by the task force as established in section 376.1408 shall contain the following:**

- (1) The name of the insured;**
- (2) Place of employment;**
- (3) The name, address and phone number of the health carrier;**
- (4) The identification number and group number of the insured;**
- (5) The type of referral;**
- (6) The name, address and phone number of the health care provider referring the insured;**
- (7) The name, address, and phone number of the health care provider of whom the insured was referred to;**
- (8) The number of visits requested and authorized; and**
- (9) The health carrier's authorization number.**

**3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.**

**376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by section 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:**

- (1) Three health care providers;**
- (2) Three representatives from the insurance industry; and**
- (3) Three members from the general public.**

**2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.**

**3. The department of insurance shall have the task force established by January 1, 2001."; and**

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 1** was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Childers offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 807, 553, 574, 614, 747 and 860, Page 5, Section 320.094, Line 17, by deleting the words "**two tenths of**" on said line and further amend said section, page 6 and line 6, by deleting the words "**two tenths of**"; and

Further amend said section, page 6, line 10, by adding after the period on said line the following: "**any amount over five hundred thousand dollars annually collected pursuant to this subsection shall be transferred to the credit of the fire district equipment fund as established in subsection 6 of this section by appropriation**"; and

Further amend said section, page 9, by inserting the following after line 12 of said page:

**"6. (1) There is hereby established, as a subaccount of the fire education fund as established in this section, the "Fire District Equipment Fund", which shall be maintained and accounted for separately, and which shall consist of all moneys transferred pursuant to subsection 2 of this section and from all lawful public and private sources. Moneys in the subaccount shall be used to provide funds to fire protection districts having a population less than ten thousand. Moneys in the subaccount may be used only for purposes as are authorized by the department of public safety.**

**(2) The department of public safety shall annually prepare an intended use plan for the funds available in the subaccount.**

**(3) The department of public safety may make direct grants to aid in the financing of any fire protection district**

with a population less than ten thousand. The grants may be made to fire protection districts with a population less than ten thousand to assist in financing the purchasing of fire equipment. The grants may be made to supplement funds from loan proceeds or other private or public sources.

(4) The fire protection district must first apply with the department of public safety for a grant. The department of public safety shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the secretary of state. The rules shall contain, but shall not be limited to, the following criteria:

(a) The type of equipment requested by the fire protection district;

(b) The necessity of obtaining such equipment;

(c) The financial condition of the fire district; and

(d) The cost of the equipment requested by the fire district.

(5) All grant determinations made by the department of public safety shall be final."

Senator Childers moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Jacob, **SB 807, SB 553, SB 574, SB 614, SB 747** and **SB 860**, with **SCS, SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Wiggins assumed the Chair.

## **RESOLUTIONS**

Senator Quick offered Senate Resolution No. 1363, regarding the Show Me Challenge Program, Nevada, which was adopted.

Senator Quick offered Senate Resolution No. 1364, regarding Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Staples introduced to the Senate, Robert Sercy, Eminence; and Mike Smith, Jackson.

Senator Yeckel introduced to the Senate, Donna Cain and members of Webelos, Den 1 & 2, Pack 646 from St. Catherine LaBoure School, St. Louis; and Greg Faust, Nikolas Kozul, Andrew Burleman and Steven Banholzer were made honorary pages.

Senator Westfall introduced to the Senate, John and Marie Matchell, Bolivar.

Senator Mueller introduced to the Senate, Kyle Hedrick, Jefferson City.

Senator Russell introduced to the Senate, Linda McQuerter and Jan Delcour, Lebanon.

Senator Ehlmann introduced to the Senate, Phil and Grant Ohlms and David Landstra, St. Charles; and Grant and David were made honorary pages.

Senator Kinder introduced to the Senate, Steve Torbet, Larry Lewis and Dave Thorne, Sikeston.

Senator Graves introduced to the Senate, Tom Lesnak, Daren Frank and a group from Harrison and Gentry Counties.

Senator Schneider introduced to the Senate, students from McCurdy School, St. Louis County; and Ryan Barry, Danielle Smith, Joseph Creason and Steven Wyde were made honorary pages.

Senator Klarich introduced to the Senate, Mary Wilson and Bob and Julie Wallace, St. Louis County.

Senator Stoll introduced to the Senate, Kevin Gillespie and members of the Hillsboro Junior High School Honor Society, Hillsboro.

Senator Stoll introduced to the Senate, Sue Emery and Girl Scout Troop 1707, District 10, House Springs.

Senator DePasco introduced to the Senate, Jamie Franklin and thirty-five members of the Independence Chamber of Commerce LEAD Group, Jackson County.

Senator Mathewson introduced to the Senate, Donnie Cox, Erica Miles, Vonda LaPiana, Charlene Russell, Junior Gorham, Vicki Wiedmier and Carla Webb, Caldwell County.

Senator Schneider introduced to the Senate, students from St. Thomas the Apostle, St. Louis County; and Tim Hoormann, Stephen Shucart, Angie Amato, Emily Schmidt and Zachary Lavoie were made honorary pages.

Senator Bland introduced to the Senate, Tyrone Harvey, Jerri Johnson, Gussie Winston and Kay Mills, Kansas City.

Senator Yeckel introduced to the Senate, Dana Lenzen and seventy-five fourth grade students from Kennerly School, St. Louis; and Eric Bigogna, Ted

Cosgrove, Angel Echols and Jon Steudman were made honorary pages.

Senator Klarich introduced to the Senate, Lyndell Coleman and students from Potosi High School, Potosi.

Senator Childers introduced to the Senate, seventh and eighth grade students from St. Mary's School, West Plains.

Senator Clay introduced to the Senate, seven members of Housing Comes First, St. Louis.

On behalf of Senator Wiggins, the President introduced to the Senate, Karl T. Kurtz, Denver, Colorado.

On behalf of Senator Wiggins, the President introduced to the Senate, the Physician of the Day, Douglas Hagen and his daughter, Lauren, Kansas City.

On behalf of Senator Wiggins, the President introduced to the Senate, Maria, Katie and Maggie Bourk; Elizabeth, Emily and Kerri Wilson and D'Ann Dreiling, South Kansas City; and Katie, Maggie, Emily and Kerri were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-FIRST DAY--WEDNESDAY, MARCH 15, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"I have heard of You by the hearing of the ear, but now my eye sees You." (Job 42:5)

Merciful Father, as we are disciplined and tested in the crucible of life we experience the blessing of every believing child of You, our God. We believe we can never sufficiently thank You for the gift of eyes to see the burden of our failures yet can see beyond them to the opportunities to joyously serving those who are truly in need of our help. Send us Your Holy Spirit who can wondrously provide us the "inner eyes" that can see the wonders of Your love in our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, the Senate and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## REFERRALS

President Pro Tem Quick referred **SB 530**, with **SCS** and **SB 754**, with **SCS**, to the Committee on State Budget Control.



## REPORTS OF STANDING COMMITTEES

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 1020**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1078**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1051**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 956**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1042**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1059**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1050**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1018**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1018, Page 1, In the Title, Line 3, by striking the following: "to the city of Springfield"; and

Further amend said bill, Page 1, Section 1, Lines 3-4, by striking the following: "to the city of Springfield, Missouri" and inserting in lieu thereof the following: ", more particularly described as follows".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 760**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 995**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

**SENATE BILLS FOR PERFECTION**

Senator Caskey moved that **SB 934, SB 546, SB 578, SB 579 and SB 782**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SCS** for **SBs 934, 546, 578, 579 and 782** was again taken up.

Senator Sims offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 20, Section 577.017, Line 21, by deleting "zero" and replacing with "two hundredths of one".

Senator Sims moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1**

**FOR SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 20, Section 577.017, Lines 17-21, by deleting said lines; and deleting "**6.**" on line 22 and inserting in lieu thereof "**5.**".

Senator Caskey moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Childers, Sims and Westfall.

Senator Wiggins assumed the Chair.

**SSA 1** for **SA 4** was adopted by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Goode	Howard	Jacob	Johnson
Kenney	Mathewson	Maxwell	Quick
Russell	Scott	Singleton	Stoll
Westfall	Wiggins-- 18		
NAYS--Senators			
Bentley	Bland	Carter	Ehlmann
Flotron	Graves	Kinder	Klarich
Mueller	Rohrbach	Schneider	Sims
Staples	Steelman	Yeckel-- 15	
Absent--Senators--None			

Senator Staples offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

- (1) Operate any vehicle upon any highway in this state unless the person has a valid license;
- (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;
- (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
- (4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director. **Every person who is twenty-one years of age or older, and who is under the influence of alcohol or is not under the influence of alcohol, may operate any motorcycle or motortricycle without protective headgear.**

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Westfall raised the point of order that **SA 5** is out of order as it exceeds the title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 19, Section 577.012, Line 11, by adding after the word "blood" the words "upon a finding that the person was guilty of a moving violation".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, as amended, was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SB 915**, introduced by Senator Clay, entitled:

An Act to repeal section 214.205, RSMo 1994, relating to cemeteries, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Clay, **SB 915** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 896**, with **SCS**, introduced by Senator Klarich, entitled:

An Act to repeal sections 359.091 and 359.481, RSMo 1994, and sections 347.137, 347.141, 351.482 and 359.451, RSMo Supp. 1999, relating to business organizations, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 896**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 896

An Act to repeal sections 359.091 and 359.481, RSMo 1994, and sections 347.137, 347.141, 351.025, 351.482, 354.065 and 359.451, RSMo Supp. 1999, relating to business organizations, and to enact in lieu thereof eight new sections relating to the same subject, with a termination date for certain sections.

Was taken up.

Senator Klarich moved that **SCS** for **SB 896** be adopted, which motion failed.

**SB 896** was taken up.

On motion of Senator Klarich, **SB 896** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins--28
	NAYS--Senators--None		
	Absent--Senators		
Clay	Quick	Schneider	Staples
Yeckel--5			
	Absent with leave--Senator House--1		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SRB 1001**, introduced by Senator Wiggins, entitled:

An Act to repeal sections 67.401, 70.430, 87.287, 94.576, 191.599, 191.825, 207.090, 231.466, 287.889, 590.116, 620.600, 620.605 and 620.607, RSMo 1994, and sections 21.570, 37.510, 72.424, 105.980, 135.360, 163.029, 207.125, 210.775, 210.776, 217.041, 217.042, 219.089, 301.004, 316.235, 321.509, 348.425, 454.1019, 488.023, 577.053, 617.001, 617.005, 617.015, 617.025, 617.035, 617.045 and 620.126, RSMo Supp. 1999, for the purpose of repealing expired provisions of law and sections with contingent effective dates which never became effective.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SRB 1001** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SRB 1002**, introduced by Senator Wiggins, entitled:

An Act to transfer or enact thirty-eight sections in compliance with the directives of senate bill no. 869 of the second regular session of the eighty-eighth general assembly, 1996.

Was called from the Consent Calendar and taken up.

President Pro Tem Quick assumed the Chair.

On motion of Senator Wiggins, **SRB 1002** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 940**, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal sections 311.510 and 311.540, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999,

relating to liquor control, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 940**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 940

An Act to repeal sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 940** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 940** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Caskey	Childers	Kenney	Russell--4
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 953**, introduced by Senators Johnson and Russell, entitled:

An Act to repeal section 172.360, RSMo 1994, relating to tuition at the University of Missouri, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **SB 953** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey

Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Singleton--1

Absent--Senators

Schneider Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 961**, introduced by Senators Stoll and Maxwell, entitled:

An Act to repeal section 173.239, RSMo Supp. 1999, relating to educational assistance for members of the Missouri national guard, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **SB 961** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel--30		
	NAYS--Senator Westfall--1		
	Absent--Senators		
Clay	Johnson	Staples--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder



Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Stelman
Stoll	Wiggins	Yeckel--31	
	NAYS--Senator Westfall--1		
	Absent--Senators		
Johnson	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator Quick submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 955**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator Quick submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 1048**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Clay, Chairman of the Committee on Financial and Governmental Organization, Senator Quick submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 866**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

### REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 763**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SB 763** to the Committee on State Budget Control.

### REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 530**, with **SCS**; and **SB 754**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

### SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 678** and **SB 742**, with **SCS**, **SS** for **SCS**, **SA 5**, **SA 4** to **SA 5** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

**SA 4** to **SA 5** was again taken up.

Senator Johnson assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--32
Absent--Senators--None			
Absent with leave--Senators			
Staples	Stoll--2		

Senator Mathewson assumed the Chair.

Senator Rohrbach moved that **SA 4** to **SA 5** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Johnson	Kenney	Kinder
Klarich	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Westfall
Yeckel--17			
NAYS--Senators			
Bland	Carter	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Mathewson	Maxwell	Quick
Schneider	Steelman	Wiggins--15	
Absent--Senators--None			
Absent with leave--Senators			
Staples	Stoll--2		

**SA 5**, as amended, was again taken up.

At the request of Senator Wiggins, the above amendment was withdrawn.

Senator Johnson assumed the Chair.

Senator Schneider offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 12, Section 303.041, Line 17, by inserting immediately after said line, the following:

"351.025. 1. Any existing corporation heretofore organized for profit under any special law of this state may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares.

2. Any health services corporation organized as a not for profit corporation pursuant to chapter 354, RSMo, that has complied with the provisions of section 354.065, RSMo, may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares, if any.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [2000] **2001**.

354.065. 1. A corporation may amend its articles of incorporation from time to time in the manner provided in chapter 355, RSMo, and shall file a duly certified copy of its certificate of amendment with the director of insurance within twenty days after the issuance of the certificate of amendment by the secretary of state. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

2. A health services corporation organized as a not for profit corporation pursuant to this chapter may amend its articles in the manner provided in chapter 355, RSMo, to change its status to that of a for profit business corporation and accept the provisions of chapter 351, RSMo, by:

(1) Adopting a resolution amending its articles of incorporation or articles of agreement so as:

(a) To eliminate any purpose, power or other provision thereof not authorized to be set forth in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(b) To set forth any provision authorized pursuant to chapter 351, RSMo, to be inserted in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo, which the corporation chooses to insert therein and the material and information required to be set forth pursuant to chapter 351, RSMo, in the original articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(2) Adopting a resolution accepting all of the provisions of chapter 351, RSMo, and providing that such corporation shall for all purposes be thenceforth deemed to be a corporation organized pursuant to chapter 351, RSMo;

(3) By filing with the secretary of state a certificate of acceptance of chapter 351, RSMo;

(4) By complying with the provisions of sections 355.616 and 355.621, RSMo, to the extent those sections would

apply if such health services corporation were merging with a domestic business corporation with the proposed amended articles of incorporation serving as the proposed plan of merger.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [2000] **2001**."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 40, Section 537.675, Lines 5-6 of said page, by striking the following: "as authorized pursuant to sections 537.675 to 537.693" and inserting in lieu thereof the following: "**to provide representation for persons who are victims of adult abuse in cases to obtain or enforce an order of protection from such abuse**".

Senator Schneider moved that the above amendment be adopted.

Senator Singleton offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 39, Section 537.675, Line 22, by striking the word "shall" and inserting "may" and further after the word "of" insert "up to" and further strike the words "twenty-five" and inserting "thirty-five".

Senator Singleton moved that the above substitute amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Line 5, by striking "thirty-five" and insert "ten".

Senator Schneider moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 7** and was joined in his request by Senators Jacob, Kinder, Russell and Singleton.

**SA 1** to **SSA 1** for **SA 7** failed of adoption by the following vote:

YEAS--Senators

Ehlmann	Flotron	Graves	House
Kinder	Rohrbach	Russell	Schneider
Steelman	Westfall--10		
	NAYS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Goode
Howard	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Mueller
Quick	Scott	Sims	Singleton
Wiggins	Yeckel--22		
	Absent--Senators--None		
	Absent with leave--Senators		
Staples	Stoll--2		

**SSA 1** for **SA 7** was again taken up.

Senator Jacob offered **SA 2** to **SSA 1** for **SA 7**:

SENATE AMENDMENT NO. 2 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 1, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 29, Line 16, by inserting immediately after said line the following:

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for collecting court costs shall collect the court costs authorized by statute, in such amounts as are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and surcharges.

3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be collected:

- (1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;
- (2) Ten dollars for maintaining child support enforcement records, pursuant to section 452.345, RSMo;
- (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section 473.618, RSMo;
- (4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;
- (5) Seven dollars for the statewide court auto-mation fund, pursuant to section 476.053, RSMo;
- (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance violations filed before an associate circuit judge and thirty dollars for applications for a trial de novo of a municipal ordinance violation, pursuant to

section 479.260, RSMo;

(7) Five dollars for small claims court cases where less than one hundred dollars is in dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

(8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

(9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo, pursuant to section 483.530, RSMo;

(10) Forty-five dollars for applications for a trial de novo for misdemeanor cases, pursuant to section 483.530, RSMo;

(11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section 483.530, RSMo;

(12) Thirty dollars for each information or indictment filed in felony cases, pursuant to section 483.530, RSMo;

(13) Fifteen dollars for each associate circuit court case filed, and one dollar for each additional summons issued in such cases, pursuant to section 483.530, RSMo;

(14) Forty-five dollars for applications for trial de novo from small claims court and associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530, RSMo;

(15) One dollar and fifty cents for a certificate of naturalization, pursuant to section 483.535, RSMo;

(16) When letters are applied for in probate proceedings, pursuant to section 483.580, RSMo, when the value of the estate is:

(a) Less than \$10,000..... \$75.00

(b) From \$10,000 to \$25,000..... 115.00

(c) From \$25,000 to \$50,000 ..... 155.00

(d) From \$50,000 to \$100,000..... 245.00

(e) From \$100,000 to \$500,000..... 305.00

(f) More than \$500,000..... 365.00;

(17) Thirty dollars for each additional twelve months a decedent's estate remains open, pursuant to section 483.580, RSMo;

(18) In proceedings regarding guardianships and conservatorships, pursuant to section 483.580, RSMo:

(a) Twenty-five dollars for each grant of letters for guardianship of a minor;

(b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;

(c) Sixty dollars for each grant of letters for guardianship of the person and conservatorship of the estate of a minor;

(d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's estate case remains open;

(e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of incapacitated persons and their estates;

(f) Thirty dollars for each additional twelve months an incapacitated person's case remains open;

(19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section 483.580, RSMo;

(20) In probate proceedings, pursuant to section 483.580, RSMo:

(a) Thirty-five dollars for the collection of small estates;

(b) Thirty-five dollars for involuntary hospital-ization proceedings;

(c) Thirty dollars for proceedings to determine heirship;

(d) Fifteen dollars for assessment of estate taxes where no letters are granted;

(e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;

(f) Forty dollars for proceedings to dispense with administration;

(g) Twenty dollars for proceedings to dispense with conservatorship;

(h) Twenty-five dollars for admitting a will to probate;

(i) One dollar per copied page and one dollar and fifty cents per certificate;

(21) One dollar and fifty cents per page for testimony transcription, pursuant to section 485.100, RSMo;

(22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;

(23) Three dollars for witness fees per day, and four dollars when the witness must travel to another county, pursuant to section 491.280, RSMo[.];

**(24) One dollar for each initial pleading and responsive pleading filed in every civil case subject to the provisions of Chapter 506, RSMo."**; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 2** to **SSA 1** for **SA 7** is out of order as the amendment goes beyond the scope of the original amendment and is not a true amendment to the underlying substitute amendment.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

### **THIRD READING OF SENATE BILLS**

Senator Jacob moved that **SB 806**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **SB 806** was again taken up.

Senator Jacob moved that **SCS** for **SB 806** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **SB 806** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Childers

DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Clay--2		
	Absent with leave--Senators		
Staples	Stoll--2		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Quick referred **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782** to the Committee on State Budget Control.

### REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 1066**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 919**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

### SENATE BILLS FOR PERFECTION

Senator House moved that **SB 813**, with **SS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 5** was again taken up.



Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 19, by inserting after all of said line the following:

"590.135. 1. The director or any of his designated representatives may:

(1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;

(2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;

(3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

(1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;

(2) Conviction of a misdemeanor involving moral turpitude;

(3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;

(4) Dependence on or abuse of alcohol or drugs;

(5) Use or possession of, or trafficking in, any illegal substance;

(6) Gross misconduct indicating inability to function as a peace officer[;], **which shall include any illegal, unauthorized or unprofessional use or release of criminal history information, criminal intelligence, confidential reports or closed records;**

(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter

621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer."; and

Further revise the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Schneider assumed the Chair.

Senator Russell offered **SA 7**, which was read:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 13, by striking the opening bracket "["; and further amend said bill and section, page 2, line 2, by striking "]" a" and inserting in lieu thereof ". A"; and further amend said bill, section and page, line 3, by deleting the word "made" and inserting in lieu thereof "**shall occur**".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator House moved that **SS** for **SB 813**, as amended, be adopted, which motion prevailed.

On motion of Senator House, **SS** for **SB 813**, as amended, was declared perfected and ordered printed.

#### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

##### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Natalie R. Anderson, Rural Route 3, Box 58-B, Kirksville, Adair County, Missouri 63501, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Muriel W. Battle, Ph.D., Democrat, 2200 West Rollins Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Gaming Commission, for a term ending April 29, 2002, and until her successor is duly appointed and qualified; vice, Jenice P. Stewart, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John J. Dralus, Republican, 10701 Bridlespur Drive, Kansas City, Jackson County, Missouri 64114, as a member of the Central Missouri State University Board of Governors, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Dorothy Maxine Jaeger, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan K. Feigenbaum, Ph.D., 1125 Templeton Place, Town and Country, St. Louis County, Missouri 63017, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Michael A. Wolff, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayne E. Giles, Ph.D., 4212 Courtney Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, Dale Gibson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra K. Grebing, 936 Country Road 605, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robin A. Greger, Republican, 201 Woodland Trail, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Sheryl L. Cheves, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

E. Lenita Johnson, Democrat, 2639 Charlotte, Kansas City, Jackson County, Missouri 64108, as a member of the Central Missouri State University Board of Governors, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Allan Browder, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Audrey Robinson Jones, Democrat, 19 Washington Terrace, St. Louis City, Missouri 63112, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laurel A. Kramer, Ph.D., 1113 Lee Street, Jefferson City, Cole County, Missouri 65101, as a member of the State Committee of Psychologists, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, Clifford Whipple, Ph.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harry A. Kujath, Republican, 2101 Forest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until his successor is duly appointed and qualified; vice, Russell E. McCampbell, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michele S. Ohmes, 14819 East 48th Street, Kansas City, Jackson County, Missouri 64136, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, Edna Freeman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert G. Russell, Democrat, 126 Southwest 51, Warrensburg, Johnson County, Missouri 64093, as a member of the Central Missouri State

University Board of Governors, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, Robert (Gene) Harmon, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janet S. Sanders, Democrat, 127 Peeke Avenue, Kirkwood, St. Louis County, Missouri 63122, as a member of the Central Missouri State University Board of Governors, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, RSMo 174.453.

Respectfully submitted,

MEL CARNAHAN

Governor

## **RESOLUTIONS**

Senator Rohrbach offered Senate Resolution No. 1365, regarding Rachel L. Prenger, Jefferson City, which was adopted.

Senator Kenney offered Senate Resolution No. 1366, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Herbert Robinson, Lee's Summit, which was adopted.

Senator Howard offered Senate Resolution No. 1367, regarding Delila Sayre, Caruthersville, which was adopted.

## **COMMUNICATIONS**

Senator Klarich submitted the following:

March 15, 2000

Terry Spieler

Secretary of the Senate

Room 325, State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:



Pursuant to Rule 45, I am requesting that Senate Bill 995, which allows for suspension of the motor vehicle emissions inspection program, be removed from the Senate Consent Calendar.

I appreciate your attention to this matter.

Sincerely,

/s/ David Klarich

DAVID J. KLARICH

State Senator

## **INTRODUCTIONS OF GUESTS**

Senator Bentley introduced to the Senate, Jennifer Kincaid and Virginia and Bill Darr, Springfield.

Senator Flotron introduced to the Senate, John Glascock, St. Louis.

Senator Johnson introduced to the Senate, Frank Hurt, Andrew Parmenter, Jami Burns, Stacy Schneitter, Leah Berkowitz, Hayley McMurtrey, Elgin Smith, Abbey Simpson, Michael Mears, Patricia Harrison, Derek Frieling, Janice Geary, Kris Larson and Jeff Leake, St. Joseph.

On behalf of Senator Goode and himself, Senator Klarich introduced to the Senate, the Physician of the Day, Anthony H. Guarino, M.D., St. Louis County.

Senator Graves introduced to the Senate, Coach Mel Tjeerdsma, Assistant Coach Will Wagner, Ryan George, David Purnell, Charlie Pugh, Cole Sidwell, Seneca Holmes, Matt Voge, Dave Jansen and Jeff LeBlanc, members of the Northwest Missouri State NCAA Division II National Champion football team.

Senator Caskey introduced to the Senate, Larry DeCombes and thirty eighth grade students from Leeton R-10 Schools.

Senator Yeckel introduced to the Senate, Shawna Byrne and ninety fifth grade students from Trautwein Elementary School, St. Louis; and Eric Hampton, Patrick Wallace, Ashley Whoberry and David Van Hoogstraat were made honorary pages.

Senator Kinder introduced to the Senate, Fred Heberlie, Larry Schmidt and Conrad Rehagen, Perryville.

Senator Staples introduced to the Senate, Geraldine Rader and seventh grade students from Winona.

Senator Clay introduced to the Senate, Pearlie Evans, St. Louis.

Senator Schneider introduced to the Senate, eighth grade students from St. Aloysius Catholic School, St. Louis County; and Cyndie Baszis, Rachel Oldani, Hannah Tetrault and Jonathan Rickher were made honorary pages.

Senator Wiggins introduced to the Senate, Anthony Jordan, Park Lightfoot, Jennette Robinson, Loretta and Ralph Bunnell, Ed Baty and Margaret Olson, Kansas City.

Senator Flotron introduced to the Senate, Braxton Rethwisch, St. Louis County.

Senator Sims introduced to the Senate, Silent March students from Brittany Woods and University City High School, St. Louis County.

Senator Singleton introduced to the Senate, Karen Vinyard, Debbie Werneke, Shanna Paternortro, Sharon Meyers, Becky Dooley, Nancy Jackson, Tracy O'Hara, Angie Hutson, Paul Stebbins and Nichole Heeter, Neosho.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-SECOND DAY--THURSDAY, MARCH 16, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Keep thy heart with all diligence, for out of it are the issues of life." (Proverbs 4:23)

Gracious God, we acknowledge that the heart is seen by us as the seat of human emotion and it does us well to search it thoroughly to make sure all is in order, for we know that our outward behavior often reflects what is going on in our hearts. Help us to weed out that which threatens and brings destruction and fill it with faith, hope and love for You and towards our family and friends and those we serve. And watch our "going out and coming in" this weekend and provide us opportunities for re-creation during our spring break. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--32

### Absent with leave--Senators

Staples                      Stoll--2

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Quick offered Senate Resolution No. 1371, regarding Randy D. Hylton, Liberty, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1372, regarding Rolf G. Albers, O'Fallon, which was adopted.

Senator Mathewson offered the following resolution:

SENATE RESOLUTION NO. 1373

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-first District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 79 be amended to read as follows:

"Rule 79. No senator shall speak more than once on the same question without leave of the senate, unless he is the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter **or any other matter, including matters of personal privilege**, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated."

On behalf of Senator Wiggins, Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1374

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Thomas "Frank" Francis Dunn, Sr., Kansas City; and

WHEREAS, Mr. Dunn, a native of Admire, Kansas, was a long time resident of Kansas City, and was the owner of Dunn's Bookkeeping and Tax Service; and

WHEREAS, Mr. Dunn was a Navy Veteran of World War II and a long time member of St. Elizabeth's Catholic Church; and

WHEREAS, Mr. Dunn was a dedicated active member of Knights of Columbus Council #4387 and Elks Lodge #26 of which he was treasurer for seven years and Exalted Ruler for two years; and

WHEREAS, Mr. Dunn was most of all a devoted husband, father, grandfather and great grandfather in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Thomas "Frank" Francis Dunn, Sr., express their appreciation for his lifetime of good citizenship; and his contributions to Kansas City, to Missouri and to the Catholic Church, and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Thomas F. Dunn, Jr.; Michael D. Dunn; Mary Ann Crawford and Kathleen C. Effertz.

**CONCURRENT RESOLUTIONS**

Senators Kinder, Caskey, Russell, Howard, Westfall, Graves, Kenney, Carter, Steelman, Maxwell and House offered the following concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, the price of gasoline continues to spiral upward; and

WHEREAS, the citizens of Missouri are paying as much as two times the amount per gallon of gasoline from this time a year ago; and

WHEREAS, higher gas prices push their way into the cost of other goods and services which can limit economic growth; and

WHEREAS, the United States Department of Energy has projected the price of gas to go up to as much as \$1.80 per gallon by this summer; and

WHEREAS, in 1993, Congress raised the federal excise tax on gasoline by 4.3 cents a gallon to its current rate of 18.4 cents a gallon; and

WHEREAS, the 4.3 cent per gallon tax was originally earmarked for deficit reduction, while the federal deficit has been eliminated; and

WHEREAS, from 1990 to '99, government taxes were directly responsible for the entirety of the increase in retail gasoline prices, with an increase in the federal tax alone of 100 percent in that period; and

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby join in supporting the suspension of the 4.3 cent per gallon tax; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's Congressional delegation.

Senator Johnson assumed the Chair.

THIRD READING OF SENATE BILLS

SB 703, with SCS, introduced by Senator Steelman, entitled:

An Act to repeal section 34.140, RSMo Supp. 1999, relating to surplus property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for SB 703, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 703

An Act to repeal section 34.140, RSMo Supp. 1999, relating to surplus property, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson requested unanimous consent of the Senate that the State Budget Control Committee be allowed to meet while the Senate is in session, which request was granted.

Senator Steelman moved that SCS for SB 703 be adopted, which motion prevailed.

On motion of Senator Steelman, SCS for SB 703 was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Stelman
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Singleton--1		
	Absent--Senators--None		
	Absent with leave--Senators		
Staples	Stoll--2		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 530**, with **SCS**, introduced by Senator Schneider, entitled:

An Act to repeal sections 552.020 and 552.040, RSMo Supp. 1999, relating to the placement of certain individuals in correctional institutions, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 530**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 530

An Act to repeal sections 552.020 and 552.040, RSMo Supp. 1999, relating to the placement of certain individuals in correctional institutions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Mathewson assumed the Chair.

Senator Schneider moved that **SCS** for **SB 530** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 530** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Stelman	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Staples	Stoll--2		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 754**, with **SCS**, introduced by Senator Graves, entitled:

An Act to repeal section 165.011, RSMo Supp. 1999, relating to placement of school funds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 754**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 754

An Act to amend chapter 165 by adding thereto one new section relating to the placement of school funds.

Was taken up.

Senator Graves moved that **SCS** for **SB 754** be adopted, which motion prevailed.

On motion of Senator Graves, **SCS** for **SB 754** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Jacob	Singleton--2		
Absent with leave--Senators			
Staples	Stoll--2		

The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

**SB 1015**, with **SCS**, introduced by Senators Wiggins and DePasco, entitled:

An Act to repeal sections 86.403, 86.442, 86.493, 86.675, 86.730 and 86.780, RSMo 1994, and sections 86.440, 86.441, 86.447, 86.483, 86.750 and 86.770, RSMo Supp. 1999, relating to certain police retirement systems, and to enact in lieu thereof twelve new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

**SCS** for **SB 1015**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 1015

An Act to repeal sections 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730 and 86.780, RSMo 1994, and sections 86.440, 86.441, 86.447, 86.483, 86.750 and 86.770, RSMo Supp. 1999, relating to certain police retirement systems, and to enact in lieu thereof fourteen new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 1015** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 1015** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Staples	Stoll--2		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 919**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**; and **SS** for **SCS** for **SB 763**, begs leave to report that it has considered the same and recommends



that the bills do pass.

### THIRD READING OF SENATE BILLS

**SB 858** was placed on the Informal Calendar.

**SS** for **SCS** for **SB 763**, introduced by Senator Howard, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 763 An Act to repeal section 407.020, RSMo Supp. 1999, relating to telecommunications merchandis-ing practices, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Howard, **SS** for **SCS** for **SB 763** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Russell	Schneider	Scott
Singleton	Steelman	Westfall	Wiggins--28

#### NAYS--Senators

Mueller	Rohrbach	Sims	Yeckel--4
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#### Absent--Senators--None

#### Absent with leave--Senators

Staples	Stoll--2
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The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 858**, introduced by Senator Maxwell, entitled:

An Act to repeal sections 610.021 and 610.027, RSMo Supp. 1999, relating to the sunshine law, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator Maxwell, **SB 858** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Staples

Stoll--2

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, introduced by Senator Caskey, entitled:

## SENATE SUBSTITUTE NO. 2 FOR

## SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 934, 546, 578, 579 and 782An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.304, 302.505, 302.540, 304.012, 577.001, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Singleton	Steelman	Westfall
Wiggins--25			

	NAYS--Senators		
Bland	Graves	Kinder	Mueller
Rohrbach	Sims	Yeckel--7	
	Absent--Senators--None		
	Absent with leave--Senators		
Staples	Stoll--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### **RESOLUTIONS**

Senator Schneider moved that **SR 1034** be taken up for adoption, which motion prevailed.

On motion of Senator Schneider, **SR 1034** was adopted.

Senator Bland requested unanimous consent of the Senate to suspend the rules and that she be allowed to report consent bills after the deadline, which request was granted.

### **REPORTS OF STANDING COMMITTEES**

Senator Kinder requested unanimous consent of the Senate that the rules be suspended and **SCR 33** be taken up for adoption, which request was denied.

Senator Kinder moved that the rules be suspended and **SCR 33** be taken up for adoption.

At the request of Senator Kinder, the above motion was withdrawn.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 864**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 1075**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Vicki L. Groce and R. Mark Alexander, as members of the State Advisory Council on Emergency Medical Services;

Also,

Pearlie I. Evans, as a member of the Lincoln University Board of Curators;

Also,

Paul S. Lindsey, as a member of the Missouri Development Finance Board;

Also,

William H. Darr, as a member of the Southwest Missouri State University Board of Governors;

Also,

Charles C. Hill, as a member of the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors;

Also,

Ann D. Laird, as a public member of the State Board of Barber Examiners;

Also,

Arthur E. Hegi, as a public member of the Clean Water Commission of the State of Missouri;

Also,

James P. Ford, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Larry D. Dorrell and Jolene M. Schulz, as members of the Missouri Community Service Commission;

Also,

Mary L. Vernassie, as a member of the Missouri Real Estate Commission;

Also,

Robert F. Lawrence, Annetta E. St. Clair and Fred R. Schoen, as members of the Well Installation Board;

Also,

Carolyn A. Landry, as a member of the Missouri Women's Council.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## **REFERRALS**

President Pro Tem Quick referred the Gubernatorial Appointments appearing on pages 461-463 of the Senate Journal for Wednesday, March 15, 2000, to the Committee on Gubernatorial Appointments.

## **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1566** and **1810**, entitled:

An Act to repeal sections 135.408, 135.411 and 135.423, RSMo 1994, sections 135.400, 135.403, 135.530, 348.300, 348.302, and 620.1450, RSMo Supp. 1999, and both versions of section 135.535 as they appear in RSMo Supp. 1999, relating to tax relief in distressed communities, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1386** and **1086**, entitled:

An Act to amend chapter 570, RSMo, relating to stealing and related offenses by adding thereto one new section relating to financial exploitation of the elderly or disabled, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1076**, entitled:

An Act to repeal section 167.645, RSMo Supp. 1999, relating to promotion of students, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1101**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1102**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1103**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1104**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1105**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1106**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and

programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1107**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1108**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1109**, entitled:

An Act to appropriate money for the expenses, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1110**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the

Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1111**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1112**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Caskey offered Senate Resolution No. 1375, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Amos Neuenschwander, Appleton City, which was adopted.

Senator Graves offered Senate Resolution No. 1376, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Fletchall, Sheridan, which was adopted.

Senator Graves offered Senate Resolution No. 1377, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Herbert Knadler, Easton, which was adopted.

Senator Graves offered Senate Resolution No. 1378, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom Hunziger, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1379, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.



Granville Gregory, Gentry, which was adopted.

Senator Graves offered Senate Resolution No. 1380, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Adrian Lewis, Greencastle, which was adopted.

Senator Graves offered Senate Resolution No. 1381, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Emmitt Kiger, Milan, which was adopted.

Senator Howard offered Senate Resolution No. 1382, regarding Calvin Lee, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 1383, regarding Jerry Turner, which was adopted.

## **COMMUNICATIONS**

Senator Clay submitted the following:

March 16, 2000

Ms. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

I respectfully request that Senate Bill 1078 be removed from the Consent Calendar in accordance with Senate Rule 45.

Thank you for your consideration.

Sincerely,

/s/ William L. Clay, Jr.

William L. Clay, Jr.

## **INTRODUCTIONS OF GUESTS**

Senator Westfall introduced to the Senate, eighth grade students from Aurora; and Bryan Thornsberry, Meagan Ennis, Jennifer Harter and Adam Koates were made honorary pages.

Senator Childers introduced to the Senate, Linda, Ian, Nathan and Zachary Pietz, Home-schoolers from Kimberling City; and Ian, Nathan and Zachary were made honorary pages.

Senator Steelman introduced to the Senate, students from Kingdom Christian Academy, Fulton.

On behalf of Senator Wiggins, the President introduced to the Senate, Lilly, David and Josiah Bell, Homeschoolers from Kansas City; and Lilly, David and Josiah were made honorary pages.

Senator Jacob introduced to the Senate, twenty-five fourth grade students from Christian Fellowship School, Columbia.

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

Senator Sims introduced to the Senate, fourth grade students from All Soul's School, Overland.

Senator Jacob introduced to the Senate, students from Fairview Elementary School, Columbia.

On behalf of Senator Caskey, the President introduced to the Senate, Tara Engelhart, Jane Abington, Loryn Venekamp, Denise Lindsay, Laura Lawellin, Debbie Jackson and one hundred thirty eighth grade students and eighteen sponsors from Warrensburg Middle School, Warrensburg; and Jamie Hunt, Robert Ransdell, Danny Iiams, Misty Logan, Candy Wheeler, Asher Snook, Brett Kesinger, Chris Mackey, Renee Sheffield and Janelle Mayden were made honorary pages.

Senator Westfall introduced to the Senate, Judene Blackburn, Harry Hargrave and Bob Courier, Halfway.

Senator Rohrbach introduced to the Senate, Shannon Diebold, Lexington, Kentucky.

On motion of Senator DePasco, the Senate adjourned until 10:30 a.m., Wednesday, March 22, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

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**FORTY-THIRD DAY--WEDNESDAY, MARCH 22, 2000**

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The Senate met pursuant to adjournment.

Senator DePasco in the Chair.

### RESOLUTIONS

On behalf of Senator Rohrbach, Senator DePasco offered Senate Resolution No. 1384, regarding Flora Lee Britt Mahaney, Jefferson City, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1385, regarding Travis Taylor, Brookfield, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1386, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Marvin Stanley, Rothville, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1387, regarding Trevor Lee Bray, Stewartsville, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1388, regarding the Sixty-Fifth Wedding Anniversary of Mr. and Mrs. O.C. Steele, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1389, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Andrew Johnson, Trenton, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1390, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William L. King, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1391, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. George Ott, Oregon, which was adopted.

On behalf of Senator Graves, Senator DePasco offered Senate Resolution No. 1392, regarding Brandon Michael Gross, Trenton, which was adopted.

On behalf of Senator Bland, Senator DePasco offered Senate Resolution No. 1393, regarding Reverend Earl Abel, Kansas City, which was adopted.

On behalf of Senator Westfall, Senator DePasco offered Senate Resolution No. 1394, regarding Dr. Bill Little, Bolivar, which was adopted.

On behalf of Senator Klarich, Senator DePasco offered Senate Resolution No. 1395, regarding the Eureka High School 4A Lady Wildcats Basketball Team, which was adopted.

On behalf of Senator Steelman, Senator DePasco offered Senate Resolution No. 1396, regarding Evelyn L. Tinnin, Koeltztown, which was adopted.

On behalf of Senator Steelman, Senator DePasco offered Senate Resolution No. 1397, regarding Wilbur C. Warman, Dixon, which was adopted.

On behalf of Senator Howard, Senator DePasco offered Senate Resolution No. 1398, regarding the New Madrid High School 3A Eagles Basketball Team, which was adopted.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, March 27, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-FOURTH DAY--MONDAY, MARCH 27, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Grow in grace and in the knowledge of our Lord..." 2 Peter 3:18

Heavenly Father, we thank You for the opportunities for rest and relaxation You have afforded us this past week. And although with some difficulty we shift gears help us be ready to take on the duties and obligations of the closing half of this session. We pray Your Spirit may help us keep our hearts open to Your leading us and will encourage us to speak the truth in love and vote from our heart on the things that lighten the load of the downtrodden of our state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 16, 2000, and Wednesday, March 22, 2000, were read and approved.

Photographers from KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Clay--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1399, regarding Three Rivers Community College, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 1400, regarding National Community College Month, which was adopted.

Senator Graves offered Senate Resolution No. 1401, regarding Crestview Home Nursing of Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1402, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harrison Mutz, Jr., Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 1403, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wade Bryson, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1404, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. John W. Smith, Springfield, which was adopted.

Senator Graves offered Senate Resolution No. 1405, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Forbes, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1406, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Pfeiffer, Mercer, which was adopted.

Senator Graves offered Senate Resolution No. 1407, regarding Don Mobley, Rock Port, which was adopted.

Senator Yeckel offered Senate Resolution No. 1408, regarding Shawn Edward Hughes, Lemay, which was adopted.

Senator Russell offered Senate Resolution No. 1409, regarding Robert Lee "Bob" Peterson, Mountain Grove, which was adopted.

Senators Klarich and House offered Senate Resolution No. 1410, regarding Missouri State Highway Patrol Officer J. S. Graue, O'Fallon, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 813**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 771**, **SB 849** and **SB 822**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 771, 849** and **822**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILLS NOS. 771, 849 and 822

An Act to repeal sections 700.015, 700.025, 700.045, 700.050 and 700.090, RSMo Supp. 1999, relating to certain commercial practices, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 771, 849** and **822** be adopted.

Senator Mathewson assumed the Chair.

Senator Flotron raised the point of order that **SCS** for **SBs 771, 849 and 822** is out of order as the Senate Committee Substitute goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SB 849** and **SB 822** were placed on the Informal Calendar.

**SB 771** was again taken up.

On motion of Senator DePasco, **SB 771** was declared perfected and ordered printed.

Senator Goode moved that **SJR 35** be taken up for perfection, which motion prevailed.

Senator Goode offered **SS** for **SJR 35**, entitled:

SENATE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and to enact in lieu thereof one new section relating to the Missouri Citizens Commission on the Compensation for Elected Officials.

Senator Goode moved that **SS** for **SJR 35** be adopted.

Senator Scott offered **SS** for **SS** for **SJR 35**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and to enact in lieu thereof one new section relating to the Missouri Citizens Commission on the Compensation for Elected Officials.

Senator Scott moved that **SS** for **SS** for **SJR 35** be adopted.

Senator Goode raised the point of order that **SS** for **SS** for **SJR 35** is out of order as there is a senate substitute pending before the body and the **SS** for **SS** is in the third degree, and further, that the **SS** for **SS** goes beyond the purpose of the original joint resolution as it presents two subject matters to the voters.

The points of order were referred to the President Pro Tem, who ruled them not well taken.

Senator Rohrbach raised the point of order that **SS** for **SS** for **SJR 35** is out of order pursuant to Senate Rule 54 in that the **SS** for **SS** has a totally different purpose than the underlying legislation.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Schneider offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Joint Resolution No. 35, Page 1, Section 3, Line 16 of said page, by inserting immediately after the word "shall" the following: ", **subject to appropriations**,"; and

Further amend said bill and section, page 6, line 2 of said page, by striking the opening bracket "["; and further amend line 3 of said page, by striking the closing bracket "]".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SS** for **SJR 35**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Mueller and Schneider.

**SS** for **SS** for **SJR 35** failed of adoption by the following vote:

YEAS--Senators			
Bland	Carter	Howard	Jacob
Quick	Schneider	Scott	Staples
Wiggins--9			
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Yeckel--24
Absent--Senators--None			
Absent with leave--Senator Clay--1			

**SS** for **SJR 35** was again taken up.

Senator Schneider offered **SS No. 2** for **SS** for **SJR 35**, entitled:

## SENATE SUBSTITUTE NO. 2 FOR

## SENATE SUBSTITUTE FOR

## SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Senator Schneider moved that **SS No. 2** for **SS** for **SJR 35** be adopted.

At the request of Senator Goode, **SJR 35**, with **SS** and **SS No. 2** for **SS** (pending), was placed on the Informal Calendar.

## CONCURRENT RESOLUTIONS

Senators Bland, Quick, DePasco, Wiggins and Kenney offered the following concurrent resolution:



## SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, Derrick Thomas' immense talent on the football field was matched by his caring and generous spirit in the Kansas City community; and

WHEREAS, in his eleven year career as a Kansas City Chief, Derrick Thomas established himself as one of the NFL's most dominant defensive players and feared pass rushers, and firmly etched his place in history as one of the Kansas City Chiefs best linebackers; and

WHEREAS, Derrick Thomas made nine Pro Bowl appearances, the most of any player in the illustrious history of the Kansas City Chiefs; established team career records for sacks, safeties and fumble recoveries during his career; and his twenty sacks in 1990 set a Chiefs single-season mark, with his seven-sack game in 1990 setting an NFL single-game record; and

WHEREAS, Derrick Thomas was named the Chiefs Most Valuable Player following the 1991 and 1994 seasons, won the 1994 Genuine Heroes Award and received the league's two most prestigious humanitarian awards: the 1993 NFL Man of the Year and the 1995 Byron "Whizzer" White Humanitarian Award for service to team, community and country; and

WHEREAS, as the son of an Air Force Captain, Derrick Thomas was five years old when his father's plane was shot down while it was returning from a mission in Vietnam on December 17, 1972. With his father declared legally dead in 1980 as a Vietnam MIA, Derrick Thomas had a special relationship with veterans. He delivered the keynote address at the Vietnam Veterans Memorial during the Memorial Day ceremony in 1993 and volunteered regularly at Kansas City's veterans' hospital; and

WHEREAS, the notable achievements of Derrick Thomas off the football field were equally remarkable to his achievements on the football field. Derrick started an inner-city reading program with his "Third and Long Foundation" ten years ago and as its founder read to children at local libraries each home Saturday during football season; he was the Kansas City Chief's United Way spokesperson; and he was designated by former President George Bush as the "832nd point of light" in the President's Thousand Points of Light campaign:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby instruct the State Highways and Transportation Commission and the Department of Transportation to take action immediately to name a section of Interstate 70 from Blue Ridge Cut Off at the George Brett Bridge on the west to Highway 291 on the east, the "Derrick Thomas Memorial Highway"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the State Highways and Transportation Commission and the director of the Department of Transportation.

## HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HB 1506**--Pensions and General Laws.

**HJR 43**--Education.

**HB 1363**--Transportation.

**HCS** for **HB 1144**--Financial and Governmental Organization.

**HB 1321**--Civil and Criminal Jurisprudence.

**HCS** for **HB 1142**--Transportation.

**HCS** for **HB 1074**--Commerce and Environ-ment.

**HB 1186**--Elections, Veterans' Affairs and Corrections.

**HS** for **HCS** for **HBs 1215** and **1240**--Civil and Criminal Jurisprudence.

**HB 1452**--Ways and Means.

**HS** for **HCS** for **HB 1742**--Transportation.

**HB 1376**--Financial and Governmental Organi-zation.

**HS** for **HCS** for **HB 1254**--Civil and Criminal Jurisprudence.

**HCS** for **HB 1644**--Pensions and General Laws.

**HB 1443**--Ways and Means.

**HB 1082**--Agriculture, Conservation, Parks and Tourism.

**HB 1292**--Insurance and Housing.

**HB 1353**--Civil and Criminal Jurisprudence.

**HB 1185**--Elections, Veterans' Affairs and Corrections.

**HS** for **HCS** for **HBs 1566** and **1810**--Local Government and Economic Development.

**HCS** for **HBs 1386** and **1086**--Aging, Families and Mental Health.

**HS** for **HCS** for **HB 1076**--Education.

**HCS** for **HB 1101**--Appropriations.

**HCS** for **HB 1102**--Appropriations.

**HCS** for **HB 1103**--Appropriations.

**HCS** for **HB 1104**--Appropriations.

**HCS** for **HB 1105**--Appropriations.

**HCS** for **HB 1106**--Appropriations.

**HCS** for **HB 1107**--Appropriations.

**HCS** for **HB 1108**--Appropriations.

**HCS** for **HB 1109**--Appropriations.

**HCS** for **HB 1110**--Appropriations.

**HCS** for **HB 1111**--Appropriations.

**HCS** for **HB 1112**--Appropriations.

Senator Johnson assumed the Chair.

## **REFERRALS**

President Pro Tem Quick referred **SB 849** and **SB 822** to the Committee on Insurance and Housing.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Philip G. Conger, Republican, 1524 Coleman Road, Bethany, Harrison County, Missouri 64424, as a member of the Missouri Ethics Commission, for a term ending March 15, 2004, and until his successor is duly appointed and qualified; vice, Robert Gardner, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra J. Donahue, Republican, 12079 Craig View Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Ethics Commission, for a term ending March 15, 2004, and until her successor is duly appointed and qualified; vice, Richard V. Adams, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Walter L. Friedhofen, Republican, 1162 South Roanoke Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nonaresa Montgomery, 5202 Davison Avenue, St. Louis City, Missouri 63120, as a public member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2004, and until her successor is duly appointed and qualified; vice, Ann Laird, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

A. James Proffitt, 35 Moorings Drive, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, James Stutz, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James E. Spain, Democrat, 1536 Haven Hills Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Ethics Commission, for a term ending March 15, 2004, and until his successor is duly appointed and qualified; vice, Patricia A. Flood, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jack H. Williams, Republican, 12907 McGee, Kansas City, Jackson County, Missouri 64145, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Sandra K. Grebing for the State Advisory Council on Emergency

Medical Services, submitted to you on March 15, 2000. Line 1 should be amended to read:

Sandra K. Grebing, 936 County Road 605, Jackson, Cape Girardeau

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Quick referred **SB 683**, with **SCS**, to the Committee on State Budget Control.

### **RESOLUTIONS**

Senator Caskey offered Senate Resolution No. 1411, regarding Linda Sue Smith, Warrensburg, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Nancy, John, Lauren and Kelly Peterson, Poplar Bluff; and Lauren and Kelly were made honorary pages.

Senator Mueller introduced to the Senate, Meredith Gibbons and Kara Evans, Kirkwood; and Meredith and Kara were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

**FORTY-FIFTH DAY--TUESDAY, MARCH 28, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Rejoice evermore!" (1 Thessalonians 5:16)

Lord God, grant us a faith that can rejoice in Your Love and Your goodness despite the dark moments we sometimes find around us. And Lord provide us the divine assurance of Your enduring comfort through the most stressful times as we live each day as Your called servants whom You have given the privilege to serve in this place. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Clay--1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1412, regarding the Clinton Sunrise Optimist Club, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 771**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies

furnished the Senators are correct.

## REFERRALS

President Pro Tem Quick referred **SB 1059**, with **SCS**; **SB 956**, with **SCS**; and **SB 1066**, with **SCS**, to the Committee on State Budget Control.

## THIRD READING OF SENATE BILLS

**SB 1013**, with **SCS**, introduced by Senator Stoll, entitled:

An Act to amend chapter 169, RSMo, relating to certain school retirement systems, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1013**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

## SENATE BILL NO. 1013

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to certain school retirement systems.

Was taken up.

Senator Stoll moved that **SCS** for **SB 1013** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 1013** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Klarich	Rohrbach--2		
	Absent with leave--Senator Clay--1		

The President Pro Tem declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1036**, with **SCS**, introduced by Senator Johnson, entitled:



An Act to authorize the conveyance of state property located in Buchanan County.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1036**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1036

An Act to authorize the conveyance of state property located in Buchanan County, with an emergency clause.

Was taken up.

Senator Johnson moved that **SCS** for **SB 1036** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 1036** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Klarich	Staples--2		
Absent with leave--Senator Clay--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Singleton--1			
Absent--Senators--None			
Absent with leave--Senator Clay--1			

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1037**, introduced by Senator Bentley, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 1037** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Clay--1			

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1053**, introduced by Senator Goode, et al, entitled:

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

Was called from the Consent Calendar and taken up by Senator Goode.

Senator Wiggins assumed the Chair.

On motion of Senator Goode, **SB 1053** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Schneider	Scott	Steelman
Stoll		Wiggins	Yeckel--23
NAYS--Senators			
Flotron	Graves	Howard	Mueller
Rohrbach	Russell	Sims	Singleton

Westfall--9

Absent--Senator Staples--1  
Absent with leave--Senator Clay--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Stoll assumed the Chair.

**SB 974**, introduced by Senator Bentley, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dental services.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 974** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senator Clay--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 936**, with **SCA 1**, introduced by Senator Childers, entitled:

An Act to repeal section 144.157, RSMo 1994, relating to the collection of certain taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 936** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Clay--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1413, regarding John Matthew Boggio, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1414, regarding Anders, Minkler & Diehl LLP Certified Public Accountants, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 1415, regarding Gearlene "Gerri" Luttrell, Sikeston, which was adopted.

Senator Kinder offered Senate Resolution No. 1416, regarding Anthony G. Green, I, Sikeston, which was adopted.

Senator Kinder offered Senate Resolution No. 1417, regarding Janie Pfefferkorn, Sikeston, which was adopted.

Senator Kinder offered Senate Resolution No. 1418, regarding Harry G. Sharp, III, Sikeston, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

## RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1419, regarding Timothy Hazlett, Independence, which was adopted.

Senator DePasco offered Senate Resolution No. 1420, regarding Frank Pendleton, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1421, regarding Timothy Lever, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1422, regarding Mark Blanton, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1423, regarding David Finke, Richmond, which was adopted.

Senator Mueller offered Senate Resolution No. 1424, regarding Rene Degre, Sunset Hills, which was adopted.

Senator Caskey offered Senate Resolution No. 1425, regarding the Ninetieth Birthday of Mrs. Mary Abbas, Raymore, which was adopted.

Senator Stoll offered Senate Resolution No. 1426, regarding Tim Ashlock, Crystal City, which was adopted.

Senator House offered Senate Resolution No. 1427, regarding William Ira (Bill) Reed, Louisiana, which was adopted.

Senator Steelman offered Senate Resolution No. 1428, regarding Ozark Baptist Church, Houston, which was adopted.

Senator Steelman offered Senate Resolution No. 1429, regarding Ira R. Satterfield, St. James, which was adopted.

Senator Yeckel offered Senate Resolution No. 1430, regarding Dr. George Ann Fisher, Mehlville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1431, regarding Joel Chandler "Joe" Petry, Mehlville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1432, regarding Kenneth L. Vogel, Sunset Hills, which was adopted.

## THIRD READING OF SENATE BILLS

**SB 1020**, introduced by Senator Bentley, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Payne Stewart Highway.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 1020** was read the 3rd time and passed by the following vote:

### YEAS--Senators

Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Westfall	Wiggins--28

### NAYS--Senator Yeckel--1

### Absent--Senators

Bland	Quick	Singleton	Stoll--4
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Absent with leave--Senator Clay--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1051**, introduced by Senator Staples, entitled:

An Act to repeal sections 303.025 and 303.409, RSMo Supp. 1999, relating to motor vehicle financial responsibility, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 1051** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator Clay--1			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1042**, introduced by Senator Flotron, entitled:

An Act to amend chapter 144, RSMo, relating to sales and use taxation by adding thereto one new section relating to bullion and investment coins.

Was called from the Consent Calendar and taken up.

On motion of Senator Flotron, **SB 1042** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton

Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators		
Goode	Schneider--2		
	Absent--Senators		
Bentley	Staples--2		
	Absent with leave--Senator Clay--1		

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1050**, introduced by Senator House, entitled:

An Act to repeal section 190.055, RSMo Supp. 1999, relating to ambulance district board members, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 1050** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Howard	Rohrbach	Singleton--3	
	Absent--Senators		
Ehlmann	Schneider	Staples--3	
	Absent with leave--Senator Clay--1		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1018**, with **SCA 1**, introduced by Senator Bentley, entitled:

An Act to authorize the conveyance of property owned by Southwest Missouri State University to the city of Springfield.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **SB 1018**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Ehlmann	Staples--3	
Absent with leave--Senator Clay--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 760**, introduced by Senator Klarich, entitled:

An Act to repeal section 55.010, RSMo 1994, relating to certain county auditors, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 760** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Clay--1			

The President declared the bill passed.



On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 597** with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Sims offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 597, Page 2, Section 191.975, Line 32, by inserting after all of said line the following:

**"210.950. 1. A parent of a newborn infant or of a child twelve months of age or less may relinquish custody of the infant or child to a hospital. The hospital may accept custody of the infant or child from the parent and the hospital shall immediately notify the division of family services which will then apply to the court for legal custody of the child.**

**2. If a parent of an infant or child relinquishes custody of the infant or child to a hospital as provided in subsection 1 of this section, then by operation of law and, pending court proceedings:**

**(1) All of the parent's rights with respect to the infant or child are terminated;**

**(2) The infant or child is made a ward of the state; and**

**(3) The infant or child is immediately available for adoption.**

**3. A hospital that accepts custody of an infant or child pursuant to subsection 1 of this section shall ask the parent of the infant or child for pertinent medical information relating to the parent and the infant or child. That information includes, but is not limited to information concerning the use of controlled substances and the infant or child's birth date. If a parent provides the medical information requested by the hospital, the parent is immune from criminal liability for any act of commission or omission in connection with relinquishing custody of the infant or child to the hospital. If a parent does not provide the medical information, the division of family services is authorized to attempt to identify the parent or parents and obtain medical information and a birth date of the child.**

**4. A hospital that accepts custody of an infant or child pursuant to subsection 1 of this section is immune from civil, criminal, and administrative liability for any act of commission or omission in connection with the acceptance of that custody or the provision of care for the infant or child while it is in their custody.**

**5. If a hospital accepts custody of an infant or child pursuant to subsection 1 of this section, the state shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the infant or child. The reimbursement shall be made from moneys appropriated to the department of social services for that purpose.**

**6. (1) If one parent of an infant or child relinquishes custody of the infant or child to a hospital as provided in subsection 1 of this section, the other parent may file an action for custody of the child. The nonrelinquishing parent must file such an action within thirty days after the hospital accepts custody of the child from the**

relinquishing parent. In such an action, the nonrelinquishing parent must prove he or she is the parent of the infant or child.

(2) If a parent fails to file an action within the thirty-day period specified in subsection 6 of this section, the parent is forever barred from filing an action for custody of the infant or child and, by operation of law and without any court proceeding, all of the parent's rights with respect to the infant or child are terminated.

(3) When a nonrelinquishing parent inquires at a hospital concerning an infant or child whose custody was relinquished to the hospital as provided in subsection 1 of this section, the hospital shall refer the parent to the division of family services.

7. The division of family services shall adopt rules necessary to implement the provisions of this section. The rules shall include provisions for the reimbursement of hospitals' expenses pursuant to subsection 5 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 597, Page 1, Section 191.975, Line 3, by striking all of said line and inserting in lieu thereof the following:

**"2. The division of"**; and further amend line 14, by striking the following: "The benefits of"; and

Further amend said bill, Page 2, Section 191.975, Line 26, by striking the word "and"; and further amend line 27, by inserting immediately after the word "material" the following: ", **and any other person or entity that requests such material**"; and

Further amend said bill, Pages 2 to 5, Section 453.030, Lines 1 to 116, by striking all of said section and inserting in lieu thereof the following:

"453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) Any man who:

(a) Is presumed to be the father pursuant to the subdivisions (1), (2), (3) or (5) of subsection 1 of section 210.822, RSMo; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; or

(c) Filed with the putative father registry pursuant to section 192.016, RSMo, a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child. **Such person shall be advised of the effect of his signature and the legal consequences thereof following the signature of the consent;** or

(3) The child's current adoptive parents or other legally recognized mother and father. Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the commencement of the adoption proceedings, and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth parent shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

6. The written consents shall be reviewed and, if found to be in compliance with this section, approved by the court within three business days of such consents being presented to the court. **The child may be placed in the pre-approved adoptive home immediately upon the signing of consents, and thereafter the court may proceed with approval of the consents.** Upon review, in lieu of approving the consent within three business days, the court may set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written consent within three business days shall not void the consent, but a party may seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the court pursuant to this subsection.

7. The written consent required in subsection 3 of this section may be withdrawn anytime until it has been reviewed and accepted by a judge.

8. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 9 of this section, such written consent shall be deemed valid.

9. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and shall provide the names of all such persons unless the mother has good cause as to why she should not name such persons. The court shall determine if good cause is justifiable. By signing the consent, the birth parent acknowledges that those having an interest in the child have been supplied with all available information to assist in locating all possible fathers; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

10. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

11. Where the person sought to be adopted is eighteen years of age or older, his written consent alone to his adoption shall be sufficient.

12. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

13. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 12 of this section to be paid by the prospective adoptive parents or the child-placing agency."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Steelman moved that **SCS** for **SB 597**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 597**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 577**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 577**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 577

An Act to amend chapter 260, RSMo, by adding thereto thirteen new sections relating to the creation of a drycleaning solvent cleanup fund, with an expiration date.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 577** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SB 577**:

#### SENATE SUBSTITUTE FOR

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 577

An Act to amend chapter 260, RSMo, by adding thereto thirteen new sections relating to the creation of a drycleaning solvent cleanup fund, with an expiration date.

Senator Maxwell moved that **SS** for **SCS** for **SB 577** be adopted.

Senator Maxwell offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

"260.375. The department shall:

(1) Exercise general supervision of the administration and enforcement of sections 260.350 to 260.430 and all standards, rules and regulations, orders or license and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430;**

(2) Develop and implement programs to achieve goals and objectives set by the state hazardous waste management plan;

(3) Retain, employ, provide for and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 260.350 to 260.430 and prescribe the times at which they shall be appointed and their powers and duties;

(4) Budget and receive duly appropriated moneys for expenditures to carry out the provisions of sections 260.350 to 260.430;

(5) Accept, receive and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of sections 260.350 to 260.430. Funds received by the department pursuant to this section shall be deposited with the state treasurer and held and disbursed by him **or her** in accordance with the appropriations of the general assembly;

(6) Provide the commission all necessary support the commission may require to carry out its powers and duties including, but not limited to: keeping of records of all meetings; notification, at the direction of the chairman of the commission, of the members of the commission of the time, place and purpose of each meeting by written notice; drafting, for consideration of the commission, a state hazardous waste management plan and standards, rules and regulations necessary to carry out the purposes of sections 260.350 to 260.430; and investigation of petitions for variances and complaints made to the commission and submission of recommendations thereto;

(7) Collect and maintain, and require any person to collect and maintain, such records and information of hazardous waste generation, storage, transportation, resource recovery, treatment and disposal in this state, including quantities and types imported and exported across the borders of this state and install, calibrate and maintain and require any person to install, calibrate and maintain such monitoring equipment or methods, and make reports consistent with the purposes of sections 260.350 to 260.430;

(8) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

(9) Develop facts and make inspections and investigations, including gathering of samples and performing of tests and analyses, consistent with the purposes of sections 260.350 to 260.430, and in connection therewith, to enter or authorize any representative of the department to enter, at all reasonable times, in or upon any private or public property for any purpose required by sections 260.350 to 260.430 or any federal hazardous waste management act. Such entry may be for the purpose, without limitation, of developing or implementing standards, rules and regulations, orders or license or permit terms and conditions, of inspecting or investigating any records required to be

kept by sections 260.350 to 260.430 or any license or permit issued [hereunder] **pursuant to sections 260.350 to 260.430** or any hazardous waste management practice which the department or commission believes violates sections 260.350 to 260.430, or any standard, rule or regulation, order or license or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**, or otherwise endangers the health of humans or the environment, or the site of any suspected violation of sections 260.350 to 260.430, or any standard, rule or regulation, order, or license or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**. The results of any such investigation shall be reduced to writing and shall be furnished to the owner or operator of the property. No person shall refuse entry or access requested for the purpose of inspection [under this provision] **pursuant to this subdivision** to an authorized representative of the department or commission who presents appropriate credentials, nor obstruct or hamper the representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any such representative for the purpose of enabling the representative to make such inspection;

(10) Require each hazardous waste generator located within this state and each hazardous waste generator located outside of this state before utilizing any hazardous waste facility in this state to file a registration report containing such information as the commission by regulation may specify relating to types and quantities of hazardous waste generated and methods of hazardous waste management, and to meet all other requirements placed upon hazardous waste generators by sections 260.350 to 260.430 and the standards, rules and regulations and orders adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**;

(11) Require each hazardous waste transporter operating in this state to obtain a license and to meet all applicable requirements of sections 260.350 to 260.430 and the standards, rules and regulations, orders and license terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**;

(12) Require each hazardous waste facility owner and operator to obtain a permit for each such facility and to meet all applicable requirements of sections 260.350 to 260.430 and the standards, rules and regulations, orders and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**;

(13) Issue, continue in effect, revoke, modify or deny in accordance with the standards, rules and regulations, hazardous waste transporter licenses and hazardous waste facility permits;

(14) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of sections 260.350 to 260.430;

(15) Enter such order or determination as may be necessary to effectuate the provisions of sections 260.350 to 260.430 and the standards, rules and regulations, and license and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**;

(16) Enter such order or cause to be instituted in a court of competent jurisdiction such legal proceedings as may be necessary in a situation of imminent hazard, as prescribed in section 260.420;

(17) Settle or compromise as it may deem advantageous to the state, with the approval of the commission, any suit undertaken by the commission for recovery of any penalty or for compelling compliance with any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**;

(18) Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 260.350 to 260.430 and, upon request, consult with persons subject to sections 260.350 to 260.430 on the proper measures necessary to comply with the requirements of sections 260.350 to 260.430 and rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**;

(19) Encourage, coordinate, participate in or conduct studies, investigations, research and demonstrations relating to hazardous waste management as it may deem advisable and necessary for the discharge of its duties [under] **pursuant**

to sections 260.350 to 260.430;

(20) Represent the state of Missouri in all matters pertaining to interstate hazardous waste management including the negotiation of interstate compacts or agreements;

(21) Arrange for the establishment, staffing, operation and maintenance of collection stations, within appropriations or other funding available therefor, for householders, farmers and other exempted persons as provided [under] in section 260.380;

(22) Collect and disseminate information relating to hazardous waste management;

(23) Conduct education and training programs on hazardous waste problems and management;

(24) Encourage and facilitate public participation in the development, revision and implementation of the state hazardous waste program;

(25) Encourage waste reduction, resource recovery, exchange and energy conservation in hazardous waste management;

(26) Exercise all powers necessary to carry out the provisions of sections 260.350 to 260.430, assure that the state of Missouri complies with any federal hazardous waste management act and retains maximum control thereunder, and receives all desired federal grants, aid and other benefits;

(27) Present to the public, at a public meeting, and to the governor and the members of the general assembly, an annual report on the status of the state hazardous waste program;

(28) Develop comprehensive plans and programs to aid in the establishment of hazardous waste disposal sites as needed within the various geographical areas of the state within a reasonable period of time;

(29) Control, abate or clean up any hazardous waste placed into or on the land in a manner which endangers or is reasonably likely to endanger the health of humans or the environment and, in aid thereof, may cause to be filed by the attorney general or a prosecuting attorney, a suit seeking mandatory or prohibitory injunctive relief or such other relief as may be appropriate. The department shall also take such action as is necessary to recover all costs associated with the cleanup of any hazardous waste from the person responsible for the waste. All money received shall be deposited in the hazardous waste fund[.] **created in section 260.391;**

**(30) Oversee any corrective action work undertaken pursuant to sections 260.350 to 260.430 and rules promulgated pursuant to sections 260.350 to 260.430 to investigate, monitor, or clean up releases of hazardous waste or hazardous constituents to the environment at hazardous waste facilities. The department shall review the technical and regulatory aspects of corrective action plans, reports, documents, and associated field activities, and attest to their accuracy and adequacy. Owners or operators of hazardous waste facilities performing corrective actions shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subdivision. All such funds remitted by owners or operators of hazardous waste facilities performing corrective actions shall be deposited in the hazardous waste fund created in section 260.391.**

260.380. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations, and the hazardous waste generator may provide such information in a single registration form for all hazardous waste generation sites owned or operated by the hazardous waste generator or may register each hazardous waste generation site separately for the purposes of subdivision (10) of this subsection. **Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an**

**active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;**

- (2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;
  - (3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;
  - (4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;
  - (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license [under] **pursuant to** sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;
  - (6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;
  - (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate [under] **pursuant to** sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized [under] **pursuant to** the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required [under] **pursuant to** section 260.395;
  - (8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430;**
  - (9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;
  - (10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund to be used solely for the administrative costs of the program. The fee shall not exceed one dollar per ton of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. The amount of the fee shall be established annually by the commission by rule or regulation. However, the fee shall not exceed ten thousand dollars per generator per year and no fee shall be imposed upon any generator who registers less than ten tons of hazardous waste annually with the department;
  - (a) All moneys payable [under] **pursuant to** the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund **created in section 260.391;**
  - (b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.
2. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:



(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted [under] **pursuant to** this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate [under] **pursuant to** sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized [under] **pursuant to** the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

260.391. 1. There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees, generator fees, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430, [relating to] **for the management of** hazardous waste, [for cleanup of] **responses to** hazardous [waste] **substance** emergencies **as provided in sections 260.500 to 260.550, corrective actions at regulated facilities** and [abandoned or] illegal hazardous waste sites and for payments to other state agencies for such services consistent with sections 260.350 to 260.430, upon proper warrant issued by the commissioner of administration.

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

260.395. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license [under] **pursuant to** this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous waste, and other equipment as designated in rules and regulations [hereunder] **pursuant to sections 260.350 to 260.430**, is adequate to provide protection of the health of humans and the environment and to comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**. If approved by the department, this demonstration of protection may be satisfied by providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal Department of Transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited

to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall [be an amount to be determined by the number of vehicles and the gross weight of each vehicle to be covered by the license but shall not exceed one hundred dollars per vehicle to be covered by the license.] **consist of an annual application fee, plus an annual use fee based upon tonnage, mileage or a combination of tonnage and mileage. The fees established pursuant to this subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee pursuant to subsection 19 of this section. Fees collected pursuant to this subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391.**

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and the environment. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**, poses a threat to the health of humans or the environment, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and license terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and the environment.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to construct, substantially alter or operate, including postclosure activities and operations specified in the rules and regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit for such construction, alteration or operation from the department. Such person must submit to the department at least ninety days prior to submitting a permit application a letter of intent to construct, substantially alter or operate any hazardous waste disposal facility. The person must file an application within one hundred eighty days of the filing of a letter of intent unless granted an extension by the commission. The department shall publish such letter of intent as specified in section 493.050, RSMo, within ten days of receipt of such letter. The letter shall be published once each week for four weeks in the county where the hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for the permit application evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no subsequent action by any person to change such conditions in an attempt to thwart a fair and impartial decision on the application for a permit shall be allowed as grounds for denial of the permit. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such

facility does or will provide adequate protection of the health of humans and the environment and does or will comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**;

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include such environmental and geologic information, assessments and studies as required by the rules and regulations of the commission;

(5) Submit with the application for a hazardous waste disposal or treatment facility a profile of the environmental and economic characteristics of the area as required by the commission, including the extent of air pollution and groundwater contamination; and a profile of the health characteristics of the area which identifies all serious illness, the rate of which exceeds the state average for such illness, which might be attributable to environmental contamination;

(6) Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year;

(7) The department shall supervise any field work undertaken to collect geologic and engineering data for submission with the application. The state geologist and departmental engineers shall review the geologic and engineering plans, respectively, and attest to their accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the commission, incurred by the department [under] **pursuant to** this subsection.

8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

(2) Prior to issuing, reviewing every five years as required in subsection 12 of this section, or renewing a hazardous waste disposal facility permit the department shall issue public notice by press release and advertisement and shall notify all record owners of property, within one mile of the outer boundaries of the site, by mail directed to the last known address; and shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430**, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to protect the health of humans or the environment. The department shall act within one hundred and eighty days after receipt of the application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been, operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**, poses a threat to the health of humans or the environment or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by

petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. Each permit for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of federal and state law. Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued [under] **pursuant to** this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and permit terms and conditions adopted or issued [hereunder] **pursuant to sections 260.350 to 260.430**.

13. A hazardous waste facility permit is not required for:

- (1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the applicable standards, rules and regulations adopted [hereunder] **pursuant to sections 260.350 to 260.430** and any other applicable hazardous materials storage and spill prevention requirements provided by law;
- (2) A publicly owned treatment works which has an operating permit [under] **pursuant to** section 644.051, RSMo, and is in compliance with that permit;
- (3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;
- (4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

14. Facilities exempted [under] **pursuant to** subsection 13 of this section must comply with the provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations hereunder. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards, rules and regulations adopted [hereunder.] **pursuant to sections 260.350 to 260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:**

- (1) **Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and**
- (2) **An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391.**

**The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be**

**deposited in the hazardous waste fund created in section 260.391.**

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status [under] **pursuant to** 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430 and commission regulations. The authority to operate [under] **pursuant to** this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate [under] **pursuant to** this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating [under the authority of] **pursuant to** this subsection to meet additional state interim status requirements.

16. A license or permit shall not be issued to any person who is determined by the department to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or the environment or who is determined by the department to habitually violate or to have habitually violated the requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review. For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

17. No person, otherwise qualified [under] **pursuant to** sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

18. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

**19. Any railroad corporation as defined in section 388.010, RSMo, that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.**

260.475. 1. Every hazardous waste generator shall pay, in addition to the fees imposed in section 260.380, a fee of

twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

- (1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;
- (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
- (3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;
- (4) Cement kiln dust waste;
- (5) Waste oil; or
- (6) Hazardous waste that is:
  - (a) Reclaimed or reused for energy and materials;
  - (b) Transformed into new products which are not wastes;
  - (c) Destroyed or treated to render the hazardous waste nonhazardous; or
  - (d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. **Thirty percent of all moneys collected or received by the department [under] pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste remedial fund created in section 260.480. Seventy percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391.** Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee, **thirty percent of which shall be deposited in the hazardous waste remedial fund, and seventy percent of which shall be deposited in the hazardous waste fund.**

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, **thirty percent of which shall be deposited in the hazardous waste remedial fund, and seventy percent of which shall be deposited in the hazardous waste fund.**

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste remedial fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste remedial fund.

7. No fee shall be collected [under] **pursuant to** this section after January 1, [2004] **2005**.

260.479. 1. The hazardous waste management commission shall establish, by rule, five categories of hazardous waste based on the tonnage produced annually by individual generators and each category shall be further divided into subdivisions based upon the management method. Subdivision A shall include waste which is placed in a hazardous waste disposal facility or which is stored for a period of more than one hundred eighty days; provided, however, for the purposes of this section, the commission may identify hazardous waste which shall be taxed [under] **pursuant to** subdivision A when stored for longer than ninety days as well as waste which may be stored for up to one year and taxed as provided in subdivision B below. Subdivision B shall include all other hazardous waste produced. Category 1 shall contain the range of greatest production and category 5 the range of least production with categories 2, 3 and 4 containing those ranges of waste production in between 1 and 5. The commission shall review the categories and establish such categories that will, as near as practical, generate approximately [one] **two** and [one-half] **eight-tenths** million dollars annually **for the first fiscal year fees are assessed pursuant to this section, and such revenue target shall be adjusted annually thereafter by the same percentage as the change in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency.** The director shall annually request that [an amount] **one million dollars** be appropriated from general revenue [or federal] funds [which is at least equal to one-third the amount levied against hazardous waste generators pursuant to this section] **for deposit in the hazardous waste remedial fund created pursuant to section 260.480.**

2. **Except as provided in this subsection,** based on the categories established pursuant to this section, each hazardous waste generator registered with the department of natural resources, except the state and any political subdivision thereof, shall pay a fee based on the volume of waste produced in each of the five categories and managed [under] **pursuant to** subdivisions A and B as follows:

Category Subdivision A Subdivision B

1 [\$50,000] **\$80,000** [\$25,000] **\$40,000**

2 \$30,000 \$15,000

3 \$20,000 \$10,000

4 \$10,000 \$ 5,000

5 \$ 1,000 \$ 500

**Category 1 limitations established pursuant to this subsection shall be adjusted annually by the same percentage as the change in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency.** No company shall pay more than [fifty] **eighty** thousand dollars annually [under the provisions of] **pursuant to this section[.] ; provided that such maximum amount shall be adjusted annually by the same percentage as the change in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency.** No individual generator subject to a fee pursuant to this section shall pay less than fifty dollars annually.

3. No tax shall be imposed [under] **pursuant to** this section upon hazardous waste generators whose waste consists solely of waste oil or facilities licensed [under] **pursuant to** chapter 197, RSMo. The commission may exempt intermittent generators or generators of very small volumes of hazardous waste from payment of fees required [under] **pursuant to** this section, provided those generators comply with all other applicable provisions of sections 260.360 to 260.430.

4. Any hazardous waste generator registered with the department which discharges waste to a publicly owned treatment works having an approved pretreatment program as required by chapter 204, RSMo, shall not pay any fee required in sections 260.350 to 260.550 on such waste discharged which is in compliance with pretreatment requirements. The hazardous waste management commission may exempt such generators from the provisions of

sections 260.350 to 260.430 if such exemption will not be in violation of the federal Resource Conservation and Recovery Act.

5. No fee shall be imposed [under] **pursuant to** this section [upon any hazardous waste fuel which is produced from hazardous waste by processing, blending or other treatment and which fuel is generated after June 30, 1987, or] upon any hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site, or upon smelter slag waste from the processing of materials into reclaimed metals. **Fees on hazardous waste fuel produced from hazardous waste by processing, blending or other treatment shall be assessed and collected only at the facility where such hazardous waste fuel is utilized as a substitute for other fuel. No facility using hazardous waste fuel shall pay more than eighty thousand dollars annually pursuant to this subsection for the first fiscal year fees are assessed pursuant to this section, and such maximum amount shall be adjusted annually thereafter by the same percentage as the change in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. This subsection shall not be construed to apply to hazardous waste used directly as a fuel.**

6. The department may establish by rule and regulation categories of waste based upon waste characteristics pursuant to subsection 2 of section 260.370. When the commission adopts hazardous waste categories, it shall establish and annually revise a fee schedule based upon waste characteristics. Each generator shall annually pay a fee, in lieu of the fee required in subsection 2 of this section, based upon the volume of waste produced annually within each hazard category.

7. All fees within this section shall be based on hazardous waste produced within the preceding state fiscal year beginning with July first of the year this section goes into effect and payable at the end of the calendar year on December thirty-first and annually thereafter in the same manner.

8. The department shall promptly transmit **fifty-five percent of all** funds collected [under] **pursuant to** this section to the director of revenue for deposit in the hazardous waste remedial fund **created pursuant to section 260.480. The department shall promptly transmit forty-five percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste fund created pursuant to section 260.391.**

9. [This section shall become effective on January 1, 1987, or at such time that annual receipts to the hazardous waste remedial fund as established in section 260.480 are less than one million five hundred thousand dollars, whichever first occurs. The provisions of subsection 4 of section 260.478,] Notwithstanding **any other provision of law to the contrary**, no tax based on the number of employees employed by a hazardous waste generator shall be collected [after January 1, 1987]. No tax or fee shall be levied pursuant to this section after January 1, [2004] **2005**.

260.480. 1. There is hereby created within the state treasury a fund to be known as the "Hazardous Waste Remedial Fund". All moneys received from fees, penalties, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be deposited in the state treasury to the credit of such fund, and shall be invested to generate income to the fund. Notwithstanding the provisions of section 33.080, RSMo, the unexpended balance in the hazardous waste remedial fund at the end of each fiscal year shall not be transferred to the general revenue fund except as directed by the general assembly by appropriation to replace funds appropriated from the general revenue fund for the purposes for which expenditures from the hazardous waste remedial fund are allowed.

2. The department may use the fund, upon appropriation, for the nonfederal share and any other expenditures which are not covered [under] **pursuant to** the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, for the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites [under] **pursuant to** sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste



site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) [Emergency response activities as provided in sections 260.500 to 260.550;

(5)] The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

[(6)] **(5)** Financing the nonfederal share of the cost of cleanup and site remediation activities as well as post-closure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; and

[(7)] **(6)** Reimbursement of owners or operators who accept waste pursuant to departmental orders [under] **pursuant to** subdivision (2) of subsection 1 of section 260.420.

3. Neither the state of Missouri nor its officers, employees or agents shall be liable for any injury caused by a dangerous condition at any abandoned or uncontrolled site unless such condition is the result of an act or omission constituting gross negligence on the part of the state, its officers, employees or agents.

4. The department may contract with any person to perform the acts authorized in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited with the state treasurer and credited to the account of the hazardous waste remedial fund.

260.500. As used in sections 260.500 to 260.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Cleanup", all actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance;

(2) "Cleanup costs", all costs incurred by the state or any of its political subdivisions, or their agents, or by any other person participating with the approval of the department of natural resources in the prevention or mitigation of damages from a hazardous substance emergency or the cleanup of a hazardous substance involved in a hazardous substance emergency, **including a proportionate share of those costs necessary to maintain the services authorized in sections 260.500 to 260.550;**

(3) "Department", the department of natural resources;

(4) "Director", the director of the department of natural resources;

(5) "Hazardous substance", any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:

(a) Any hazardous waste identified or listed by the department [under] **pursuant to** sections 260.350 to 260.430;

(b) Any element, compound, mixture, solution, or substance designated pursuant to Sections 101(14) and 102 of the Comprehensive [Environment] **Environmental** Response, Compensation and Liability Act of 1980, **as amended, and Section 302 of the Superfund Amendments and Reauthorization Act of 1986, as amended;** and

(c) Any hazardous material designated by the Secretary of the United States Department of Transportation [under]

**pursuant to the Hazardous Materials Transportation Act;**

(d) "Hazardous substances" does not include radioactive materials, wastes, emissions or discharges that are licensed or regulated by laws of the federal government or of this state. However, such material released due to a transportation accident shall be considered a hazardous substance;

(6) "Hazardous substance emergency":

(a) Any release of hazardous substances in quantities equal to or in excess of those determined pursuant to Section 101(14) or 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, **as amended, and Section 304 of the Superfund Amendments and Reauthorization Act of 1986, as amended;**

(b) Any release of petroleum including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas) in excess of fifty gallons for liquids or three hundred cubic feet for gases, except that the notification and reporting of any release of natural gas or natural gas mixtures by or from intrastate facilities, regardless of the quantity of such release, shall be as specified by the public service commission rather than pursuant to the notification and reporting requirements contained in, or authorized by, sections 260.500 to 260.550. Interstate natural gas pipeline facilities shall report natural gas releases to the state and the National Response Center in accordance with federal Department of Transportation regulatory requirements;

(c) Any release of a hazardous waste which is reportable [under] **pursuant to** sections 260.350 to 260.430;

(d) Any release of a hazardous substance which requires immediate notice [under] **pursuant to** Part 171 of Title 49 of the Code of Federal Regulations;

(e) The department [shall] **may** promulgate rules and regulations identifying the substances and the quantities thereof which, if released, constitute a hazardous substance emergency;

(7) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(8) "Person having control over a hazardous substance", any person producing, handling, storing, transporting, refining, or disposing of a hazardous substance when a hazardous substance emergency occurs, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous substance emergency occurs, whether they own the hazardous substance or are operating under a lease, contract, or other agreement with the legal owner thereof;

(9) "Release", any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance, or unless, in the case of pesticides, if application is done in accordance with the product label;

(10) "State of Missouri basic emergency operations plan", the state plan, its annexes, and appendices as developed or maintained by the state emergency management agency for response to natural and man-made disasters in this state;

(11) "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

260.535. Moneys received pursuant to the provisions of sections 260.500 to 260.550 which are not required by article IX, section 7 of the constitution to be distributed to schools shall be deposited in the hazardous waste [remedial] fund

**created in section 260.391** and shall, upon appropriation, be used for control, abatement, analysis, cleanup, investigation and other reasonable costs incurred when responding to hazardous substance emergencies, or shall be used to reimburse the federal government for federal funds expended for the purposes named in this section. All other costs of the department necessary to carry out the provisions of sections 260.500 to 260.550 shall be **paid from the hazardous waste fund**, appropriated from general revenue or **paid** from available federal funds.

260.546. 1. In the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over a hazardous substance shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability includes the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have been provided. Such liability shall not include budgeted administrative costs or the costs for duplicate services if multiple response teams are requested by the department or political subdivision unless, in the opinion of the department or political subdivision, duplication of service was required to protect the public health and environment. Such liability shall be established upon receipt by the person having control of the spilled hazardous substance of an itemized statement of costs provided by the political subdivision.

2. Full payment shall be made within thirty days of receipt of the cost statement unless the person having control over the hazardous substance contests the amount of the costs pursuant to this section. If the person having control over the hazardous substance elects to contest the payment of such costs, he shall file an appeal with the director within thirty days of receipt of the cost statement.

3. Upon receipt of such an appeal, the director shall notify the parties involved of the appeal and collect such evidence from the parties involved as he deems necessary to make a determination of reasonable cleanup costs. Within thirty days of notification of the appeal, the director shall notify the parties of his decision. The director shall direct the person having control over a hazardous substance to pay those costs he finds to be reasonable and appropriate. The determination of the director shall become final thirty days after receipt of the notice by the parties involved unless prior to such date one of the involved parties files a petition for judicial review pursuant to chapter 536, RSMo.

4. The political subdivision or volunteer fire protection association may apply to the department for reimbursement from the hazardous waste [remedial] fund created in section [260.535] **260.391**, for the costs for which the person having control over a hazardous substance shall be liable if the political subdivision or volunteer fire protection association is able to demonstrate a need for immediate relief for such costs and believes it will not receive prompt payment from the person having control over a hazardous substance. When the liability owed to the political subdivision or volunteer fire protection association by the person having control over a hazardous substance is paid, the political subdivision or volunteer fire protection association shall reimburse the department for any payment it has received from the hazardous waste remedial fund. Such reimbursement to a political subdivision or volunteer fire protection association by the department shall be paid back to the department by the political subdivision or volunteer fire protection association within that time limit imposed by the department notwithstanding failure of the person having control over a hazardous substance to reimburse the political subdivision or volunteer fire protection association within that time.

260.569. 1. The department shall be reimbursed for its site-specific costs incurred in administration and oversight of the voluntary cleanup. The department shall bill applicants who conduct the voluntary cleanup at rates established by rule by the hazardous waste management commission. Such rates shall not be more than the lesser of the costs to the department or one hundred dollars per hour. The department shall furnish to the applicant a complete, full and detailed accounting of the costs incurred by the department for which the applicant is charged. The applicant may appeal any charge to the commission within thirty days of receipt of the bill. Appeal to the commission shall stay the required payment date until thirty days following the rendering of the decision of the commission. The department of natural resources shall initially draw down its charges against the application fee. Timely remittance of reimbursements, as provided in subsection 3 of this section, to the department is a condition of continuing participation. If, after the conclusion of the remedial action, a balance remains, the department shall refund that amount within sixty days. If the

department fails to render any decision or take any action within the time period specified in sections 260.565 to 260.575, then the applicant shall not be required to reimburse the department for costs incurred for such review or action.

2. All funds remitted by the applicant conducting the voluntary cleanup shall be deposited into the hazardous waste **remedial fund created in section 260.480** and shall be used by the department upon appropriation for its administrative and oversight costs.

3. The department may terminate an applicant from further participation for cause. Grounds for termination include, but are not limited to:

(1) Discovery of conditions such as to warrant action [under] **pursuant to** sections 260.350 to 260.480, as amended, the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., as amended, or the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. section 9601 et seq., as amended;

(2) Failure to submit cost reimbursements within sixty days following notice from the department that such reimbursements are due;

(3) Failure to submit required information within ninety days following notice from the department that such information is required;

(4) Failure to submit a remedial action plan within ninety days following notice from the department that such plan is due;

(5) Failure to properly implement the remedial action plan; and

(6) Continuing noncompliance with any of the provisions of sections 260.565 to 260.575 or the rules and regulations promulgated [thereunder] **pursuant to sections 260.565 to 260.575**.

4. Upon termination pursuant to subdivision (1) of subsection 3 of this section or subsection 11 of section 260.567, if there is a balance in the applicant's application fee after deducting costs incurred by the department of natural resources, such balance shall be refunded within sixty days. Upon termination pursuant to subdivisions (2) to (6) of subsection 3 of this section, if a balance remains in the applicant's application fee, such balance shall be forfeited and deposited in the hazardous waste **remedial fund**."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Rohrbach offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 9, Section 260.920, Line 18 of said page by deleting on said line the word "including" and inserting in lieu thereof the words "except for".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 15, Section 260.925, Line 8, striking the word "substantially" and substitute "materially" and amend line 17 by striking the word "solely".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 16, Section 260.925, Line 11 by striking the word "Ten" and substitute the word "Twenty-Five".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Maxwell, **SB 577** with **SCS**, **SS** for **SCS** and **SA4** (pending), was placed on the Informal Calendar.

At the request of Senator Goode, **SB 803**, with **SCS**, was placed on the Informal Calendar.

Senator Quick moved that **SJR 53** be taken up for perfection, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Quick offered **SS** for **SJR 53**, entitled:

SENATE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 53

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7 and 9 of article III of the Constitution of Missouri relating to changing the number of members of the general assembly, and adopting four new sections in lieu thereof relating to the same subject.

Senator Quick moved that **SS** for **SJR 53** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 53, Page 9, Section 9, Line 4 by striking the word "five" and substitute the words: "and forty".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Childers, Graves and Rohrbach.

**SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Rohrbach
Schneider	Steelman	Westfall-- 11	
NAYS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Goode	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell

Mueller  
Singleton  
Yeckel--21

Quick  
Staples

Scott  
Stoll

Sims  
Wiggins

Absent--Senator Russell--1

Absent with leave--Senator Clay--1

Senator Mathewson assumed the Chair.

Senator Klarich offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Joint Resolution No. 53, Page 5, Section 5, Line 17 of said page, by striking the following: "[thirty-four] **thirty-five**" and inserting in lieu thereof the following: "thirty-four"; and

Further amend said bill, Section 7, Page 6, Line 9 of said page, by striking the following: "[thirty-four] **thirty-five**" and inserting in lieu thereof the following: "thirty-four"; and

Further amend said bill and section, Page 7, Line 5 of said page, by striking the opening and closing brackets "[ ]" around "thirty-four"; and further amend line 6 of said page, by striking "thirty-five"; and further amend line 14 of said page, by striking the following: "[thirty-four] **thirty-five**" and inserting in lieu thereof the following: "thirty-four"; and

Further amend said bill, Page 9, Section 9, line 5 of said page, by striking the following: "thirty-five" and inserting in lieu thereof the following: "**thirty-four**"; and

Further amend said bill, Page 9, Section B, line 12 of said page, by striking "and" and further amend line 13 of said page, by striking all of said line and inserting in lieu thereof the following: "?".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Joint Resolution No. 53, Page 5, Section 5, Line 21, by inserting after "be" the following: "**and as determined by the actual population enumeration of the United States Bureau of the Census**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Joint Resolution No. 53, Page 4, Section 2, Line 4, by striking the words "sixty-three" and inserting in lieu thereof: "**five**"; and further amend said page and section, line 6, by inserting after the word "figure" the following: "**as determined by the actual population enumeration of the United States Bureau of the Census**".

Senator Ehlmann moved that above amendment be adopted, which motion prevailed.

Senator Quick moved that **SS** for **SJR 35**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Mathewson, Schneider and Singleton.

**SS** for **SJR 35**, as amended, failed of adoption by the following vote:

YEAS--Senators

DePasco	Ehlmann	Goode	House
Johnson	Kinder	Mathewson	Quick
Singleton	Staples	Stoll	Wiggins--12

NAYS--Senators

Bland	Caskey	Childers	Flotron
Graves	Howard	Jacob	Kenney
Klarich	Maxwell	Mueller	Rohrbach
Russell	Schneider	Steelman	Westfall
Yeckel--17			

Absent--Senators

Bentley	Carter	Scott	Sims--4
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Absent with leave--Senator Clay--1

**SJR 35** was again taken up.

At the request of Senator Quick, **SJR 35** was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HJR 61**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### REFERRALS

President Pro Tem Quick referred **SCR 34** to the Committee on Rules, Joint Rules and Resolutions.

### INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Dale Jenkins and Gene Irvin, Adrian; and Bob Madeo, Warrensburg.

Senator Mueller introduced to the Senate, Dan and Jason Wells, Kirkwood.

Senator Wiggins introduced to the Senate, Ed Rucker and Kim Byers, Kansas City.

Senator Wiggins introduced to the Senate, the Physician of the Day, Dr. Larry Rues, M.D., Kansas City.

Senator Flotron introduced to the Senate, Forester Jenkins and Mark Selby, Florissant; and Joe Smith, St. Peters.

Senator DePasco introduced to the Senate, Jay, Connie and Jake Fulcher, Independence; and Roger and Caroline Walker; and Jake was made an honorary page.

Senator Graves introduced to the Senate, one hundred fourth grade students from Brookfield Elementary School, Brookfield.

Senator Schneider introduced to the Senate, Bill and Rosemary Cira, and a group from the 14th Senatorial District.

On behalf of Senator Graves and herself, Senator Bentley introduced to the Senate, Betty Preston, Chillicothe.

Senator Graves introduced to the Senate, members of the Chillicothe Chamber of Commerce.

Senator Stoll introduced to the Senate, Nancy Craig, Jefferson County.

Senator Yeckel introduced to the Senate, Ben James and Lauren Kelly, Home Schoolers from St. Louis; and Ben, James and Lauren were made honorary pages.

Senator Staples introduced to the Senate, Roger Koontz and fourth grade students from Alton.

Senator Yeckel introduced to the Senate, Lisa Urbanek and Cub Scouts, Den 7, Pack 267, from Beasley School, St. Louis; and Jeremy Garner, Sergio Maciel, Eric Schroeder, Mark Urbanek and James Walls were made honorary pages.

Senator Schneider introduced to the Senate, sixty fourth grade students from Halls Ferry Elementary School, Florissant; and Jonathan Rundell, Lakiesha Cole, Chelsea Thomas and Nicole Henniger were made honorary pages.

Senator Bentley introduced to the Senate, Dale Shotts, Casey Brezik, Ann Soots and Fred Rosenberger, Springfield; and Dale and Casey were made honorary pages.

Senator Schneider introduced to the Senate, Sheryl and Codi White and Caleb Minter, St. Louis County; and Codi and Caleb were made honorary pages.

Senator Caskey introduced to the Senate, Magdalena Netzel, Whooch, Poland.

Senator Howard introduced to the Senate, Ann Ridings, Chesterfield; and Joetta Martin, Poplar Bluff.

Senator Bland introduced to the Senate, members of the Westport-Edison Charter School ROTC Drill and Color Guard, Kansas City; and Jason Jarrett, Juan Sanchez, Quiana Williams, Martin Andrade and Lashunda Gibson were made honorary pages.

Senator Sims introduced to the Senate,

Andriette Fields, Brittany Johnson, Alexzandra Smith, Laura Muhammad, Asiah Gayfield, Ametra Harris, Devin Bradford, Shannon George, Felicia McNeal, Kelsey Thomas, Judy Forland, Roneiceia Forland, Sieadah Farmer, Kimberly Woods, Rhonda Ford, Thea Troupe, Kyra Rayford, Sierra Rayford, Rachael Gilbert, Alycia Davis, Layteza Waites, Anita Spence, Jasmin Andrews, Brandi Fair, Dominique Fair, Kaci Casen, Sha'Mell West Smith, Donette Masser, Deven Washington, Aydney Gilbert, Kaycee Williams, Tobi Williams, Courtney Brooks, Gadeanna Baisa and Brittany Fields, Girls Inc., of St. Louis City.

Senator Bland introduced to the Senate, Kimberly Scoggin and John Socgfack, New Century, Kansas; Rosemary Davis Kelly, Blue Springs; and Ambassador Mohamed Aly Thiam, Republic of Guinea.

Senator Wiggins introduced to the Senate, Meredith Donna Oswald, Kansas City; and Meredith was made an honorary page.

On motion of Senator DePasco, the Senate adjourned under the rules.



# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-SIXTH DAY--WEDNESDAY, MARCH 29, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"He shall be like a tree planted by the rivers of water, that brings forth his fruit in his season; his leaf also shall not wither; and whatsoever he does shall prosper." (Psalm 1:3)

Gracious God, our lives are planted in You and there we have found a source of nourishment which sustains us from day to day. Our lives are rooted deeply and firmly in Your promises which provide strength, assurance and final victory. And like a tree planted near a river we desire to bring forth fruits of our efforts here in the Senate. We pray that the product of our efforts will not wither but aid the people of Missouri. And so we pray, keep us firmly rooted in Your Word. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator DePasco moved that the Senate Journal for Tuesday, March 28, 2000, be corrected on Page 524, Column 1, Lines 1, 5, 20 and 21, by deleting the numeral "35" and inserting in lieu thereof the numeral "53", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1433, regarding Mary Jane Armour, Jefferson City, which was

adopted.

## SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 697**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 697**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 697

An Act to repeal sections 14.010, 14.020, 14.030, 59.020, 59.041, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.080, 483.082, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 1994, and sections 50.333 and 483.083, RSMo Supp. 1999, relating to the appointment of certain judicial personnel, and to enact in lieu thereof thirty-one new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 697** be adopted.

Senator Caskey offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 697, Page 7, Section 59.041, Line 7, by inserting after "RSMo." the following: **"If voters approve appointment of the circuit clerk, the circuit clerk so appointed shall in turn appoint a recorder of deeds."**; and

Further amend said bill, page 11, Section 483.018, Line 2, by inserting after "elected" the following: **"and in which the offices of circuit clerk and recorder of deeds are separate"**; and further amend line 11 of said page, by inserting after all of said line the following:

**"3. In any county in which the circuit clerk is elected and in which the offices of circuit clerk and recorder of deeds are combined, the question of making the circuit clerk appointed rather than elected may be submitted to the voters of the county upon petition of voters signed by a minimum of thirty five percent of the registered voters in the county.**

**4. The question shall be submitted in substantially the following form:**

**Shall the office of circuit clerk in ..... (name of county) be appointed, and have the power to appoint a recorder of deeds?**

**YES NO**

**If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".**; and further amend line 12 of said page, by striking "3." and inserting in lieu thereof the following: **"5."**

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 697**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Wiggins moved that **SB 604** be taken up for perfection, which motion prevailed.

At the request of Senator Wiggins, **SB 604** was placed on the Informal Calendar.

**SB 850** was placed on the Informal Calendar.

Senator Caskey moved that **SB 1049** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1049, Page 2, Section 393.130, Line 45, by striking "one" and inserting in lieu thereof "**two**"; and further amend line 48, by inserting immediately after the word "the" the following: "**capital**"; and further amend said line, by striking the word "or"; and further amend line 49, by striking all of said line; and further amend line 50, by inserting immediately after the word "within" the following: "**and does not directly serve**"; and further amend said line by inserting after "area" the following: "**; provided that the commission shall ensure that tariffs for any such company allocate operating costs to the rate base served by such operations**".

Senator Caskey moved that the above amendment be adopted.

Senator Westfall offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 1049, Page 1, Line 11, by adding after said line the following:

"Further amend said bill and section, line 47, by inserting after "mains" the following: "**or not located within the same county**" ".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1049, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds, or if any such bonds are outstanding, that the written consent of the holders thereof is obtained, except such consent shall not be required for special obligation bonds if the district has no waterlines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than

fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....

COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR

TERRITORIAL DETACHMENT FROM

PUBLIC WATER SUPPLY DISTRICT NO. ....

OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:  
  
(Describe tracts of land).
2. That a hearing on said petition will be held before this court on the ..... day of ....., 19 ..., at ....., ....m.
3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.
4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of

..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.
4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve

the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

**7. In a county of the first classification with a noncharter form of government having a population of more than ninety thousand inhabitants but less than one hundred ten thousand, any resident who currently lives in a water district but is unable to receive services from the district, may elect to be removed from the district. If the resident elects to be removed from the district, the resident shall compensate the water district for any costs incurred by the district directly relating to the attempt to provide services to the resident.";** and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 1049**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 944**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

**SCA 2** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Johnson offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 944, Page 6, Section 160.261, Line 178, by inserting after all of said line the following:

"163.172. 1. In school year 1994-95 and thereafter, the minimum teacher's salary shall be eighteen thousand dollars. Beginning in the school year 1996-97, for any full-time teacher with a master's degree and at least ten years teaching experience in a public school or combination of public schools, the minimum salary shall be twenty-four thousand dollars.

2. Beginning with the budget requests for fiscal year 1991, the commissioner of education shall present to the appropriate committees of the general assembly information on the average Missouri teacher's salary, regional average

salary data, and national average salary data **and a history of the cost to the state for the minimum salary for teachers program.**

**3. As used in this section, the following terms mean:**

- (1) "Full-time", shall be defined as a teacher working under school district contract for all school days and hours eligible for attendance of students;**
- (2) "Master's degree or its equivalent", shall be at a minimum a bachelor's degree plus at least thirty-two additional hours of course work which results in at least one additional certification;**
- (3) "Regular school term", has a minimum of one hundred seventy-four days and one thousand forty-four hours of pupil attendance possible for students;**
- (4) "Salary", shall include the salary and minimum salary supplements amounts which appear on the teacher's contract for the regular school term and does not include supplements for extra duties, summer school, career ladder, or extensions of the contract year;**
- (5) "Teacher", shall include all certificated school district personnel paid pursuant to the school district teacher salary schedule.**

**[3.] 4. All school district employee salary and personnel policy** information shall be public information.

[4. As used in this section, the term "salary" shall be defined as the salary figure which appears on the teacher's contract and as determined by the local school district's basic salary schedule and does not include supplements for extra duties.]

5. The minimum salary for any fully certificated teacher employed on a less than full-time basis by a school district, state school for the severely handicapped, the Missouri School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts provided in subsections 1 and [2] **10** of this section.

[6. Beginning with the 1996-97 school year, the general assembly shall make an annual appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of fulfilling the minimum salary requirements for public school teachers in those districts meeting the qualifications established in subsection 7 of this section. The appropriation shall be sufficient to ensure that all qualifying districts are able to comply with the minimum salary requirements of this section. The department of elementary and secondary education shall determine, prior to each school year, those districts which shall be eligible to receive funds in this subsection during the school year. A qualifying district shall be eligible to receive funds appropriated in this subsection only during the first three years following the district's qualifying for such funds.

7. To qualify to begin receiving funds in subsection 6 of this section, a school district shall meet all of the following criteria:

- (1) A portion of the real property of the district shall have been removed from the tax rolls due to the impact of state or federal government action;
- (2) The district shall have received no more state aid on a per pupil basis for each of the last three school years, exclusive of categorical funding, than the district received for the 1992-93 school year;
- (3) The salaries paid to all teachers in the district for the school year prior to qualification shall be totally compacted at the eighteen thousand dollar per year minimum established in this section;
- (4) The district shall have in its employ for the school year prior to qualification one or more teachers with a master's degree and at least ten years' teaching experience in a public school or a combination of public schools;

(5) The district shall be financially distressed or have a history of deficit spending which, if continued, will cause the district to become financially distressed within three years;

(6) The district had an enrollment of no greater than four hundred pupils for the preceding school year; and

(7) The district shall have levied an operating levy for school purposes of not less than two dollars seventy-five cents per one hundred dollars of assessed valuation for the previous year and shall continue to levy at no less than that rate.

8. For any school year in which a school district receives funds pursuant to subsections 6 and 7 of this section, such school district shall continue to expend on teacher salaries no less than the amount it expended on teacher salaries in the school year immediately prior to the school year in which it first receives such funds.

9. No school district receiving funds pursuant to subsections 6 and 7 of this section shall receive additional funds pursuant to subsection 6 of this section by virtue of the annexation of another school district to such school district during or after the school year immediately prior to the school year in which the annexing district first receives such funds; nor shall any school district annexed to a school district receiving funds pursuant to subsections 6 and 7 of this section also receive funds pursuant to subsection 6 of this section by virtue of such annexation if such annexation occurred during or after the school year immediately prior to the school year in which the annexing school district first receives such funds.]

**6. Beginning in school year 2001-2002, for districts choosing to participate in the program receiving funds pursuant to subsection 7 of this section, the minimum salary for a full-time teacher shall be at least twenty-two thousand dollars, the minimum salary for the full-time teacher with at least five years of previous experience shall be at least twenty-five thousand dollars, the minimum salary for a full-time teacher with at least nineteen years of previous experience or a full-time teacher with at least a master's degree or its equivalent and at least ten years previous experience shall be at least twenty-eight thousand dollars, the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least nineteen years of previous experience shall be at least thirty-four thousand dollars, and the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least twenty-nine years of previous experience shall be at least forty thousand dollars.**

**7. Beginning with the 2001-2002 school year, the general assembly shall make an annual appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of paying public school teacher minimum salary supplements in those districts meeting the qualifications established in subsection 8 of this section and seeking to receive payments pursuant to this subsection. If the appropriation of the general assembly is insufficient to pay the total cost of all salary supplements the minimum salary amounts of subsection 6 of this section shall be prorated until the amount appropriated is sufficient to make the payments to all participating school districts.**

**8. To make application and qualify to begin receiving funds pursuant to subsection 7 of this section, a school district shall meet all of the following criteria:**

**(1) Levy a tax rate in the current year in incidental and teachers funds totaling no less than the operating levy for school purposes for the 1999-2000 school year after all reductions and rollbacks, excluding reductions to the district tax rate ceiling as required by article X, section 22 of the Missouri constitution and tax rate reductions required pursuant to law;**

**(2) Make no increase in any voluntary tax rate rollback for operations compared to the 1999 property tax year;**

**(3) Make no transfer of revenue or balance from either incidental or teachers funds to either debt service or capital projects funds in excess of statutory authority;**

**(4) Employ all teachers in accordance with district policy with at least one teacher paid according to the district's salary schedule at less than the minimum salary as specified in subsection 6 of this section;**

**(5) Make no reduction in any salary amount in the district's teacher salary schedule compared to the district's 1999-2000 teacher salary schedule unless the district is financially stressed as identified by the department of elementary and secondary education;**

**(6) Beginning with school year 2001-2002, determine the salary of any teacher who is a new employee to a school district by placement on the district's salary schedule using all of the teacher's previous years of public school teaching experience;**

**(7) Beginning with school year 2001-2002, for any school district which is not financially stressed pay each returning teacher a salary for the regular school term which is no less than the salary paid that teacher during the previous school term on a full-time employee equivalent basis.**

**9. Reductions or penalties to state aid payments to school districts pursuant to subsection 7 of this section paying minimum salary supplements to teachers shall occur under the following condition: the amount of end-of-year fund balance in incidental and teachers funds combined in excess of the greater of fifteen percent of expenditures in these funds or the 1999-2000 end-of-year fund balance in these funds shall be subtracted the following year from state payments paid pursuant to subsection 7 of this section and if necessary from state aid paid pursuant to section 163.031.**

**10. Future increases in minimum salaries established pursuant to subsection 6 of this section for teachers shall be contingent upon decreases in total state payments to all districts made pursuant to subsection 7 of this section. The second fiscal year following a fiscal year in which state cost of funding the minimum salary program pursuant to subsection 7 of this section is eighty-five percent or less of the full funding cost for the first school year of the state funding of minimum salaries for teachers pursuant to subsection 7 of this section, the value of each level of minimum salary provided in subsection 6 of this section shall be increased by one thousand dollars.**

**11. Expenditures related to state minimum salary revenue received by a district shall not be used to determine compliance with any other provisions of law including compliance with section 165.016, RSMo.**

**12. The state board of education shall issue rules and regulations as necessary for the efficient and effective implementation of this section. All such rules shall be promulgated pursuant to chapter 536, RSMo.**

**13. State minimum salary supplements paid pursuant to subsection 7 of this section shall be funded from any increases in state revenues from taxation of riverboat gaming operations, including boarding fees and lottery proceeds, compared to the amount of these revenues appointed in fiscal year 2001."; and**

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Singleton offered SA 1 to SA 1:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 944, Page 9, Line 2 of said amendment, by inserting after all of said line the following:

**"14. The provisions of section 165.011, RSMo, to the contrary notwithstanding, any district which is participating in the program established in subsections 6 to 13 of this section and fully in compliance with all requirements of subsections 6 to 13 of this section in the current year may transfer funds in the current year between teachers', incidental and capital projects funds without limitation."**



Senator Singleton moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 1** to **SA 1** and was joined in his request by Senators Childers, Ehlmann, Mueller and Singleton.

Senator Mathewson assumed the Chair.

Senator Caskey raised the point of order that **SA 1** to **SA 1** and **SA 1** are out of order as they go beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bentley offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Bill No. 944, Page 7, Section 167.117, Line 29, by inserting after all of said line the following:

"170.250. 1. The "Video Instructional Development and Educational Opportunity Program" is established to encourage all educational institutions in Missouri to supplement educational opportunities through telecommunications technology and satellite broadcast instruction. The program established by this section is to be administered by the state board of education. The program shall consist of:

(1) Grants to local school districts, state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, for equipment and instruction;

(2) Instructional programs developed pursuant to this section and transmitted through the airwaves, over telephones lines, or by cable television which are available for all residents of this state without charge as defined in this section; and

(3) Instructional programs developed pursuant to this section which are available to any subscriber according to this section.

2. The "Video Instructional Development and Educational Opportunity Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. Moneys deposited in the fund shall consist of revenues generated from state sales and use tax revenues as provided in chapter 144, RSMo, on the rental of films, records or any type of sound or picture transcriptions as provided in subsection 3 of this section **and shall include four million dollars transferred to the fund annually**. Moneys in the fund shall be used solely for purposes established by this section, except that the department of revenue shall retain no more than one percent of sales tax revenues collected for its administrative costs and all administrative costs of this program incurred by the department of elementary and secondary education shall be paid from this fund, which costs shall not exceed two percent. The administrative fees of the department of revenue and the department of elementary and secondary education shall be determined annually in the appropriation process. Any unexpended balance in the fund at the end of a fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

3. Until December 31, 1994, the commissioner of administration shall annually estimate and furnish to the director of the department of revenue the appropriate amount of state tax revenues collected pursuant to chapter 144, RSMo, which are directly attributable to the rental of films, records or any type of sound or picture transcriptions. However, the estimate shall only include state sales and use tax revenues collected pursuant to chapter 144, RSMo, which are normally deposited in the state general revenue fund. The director of revenue shall transfer from state sales tax revenues an amount equal to the estimate to the fund provided in subsection 2 of this section. After December 31, 1994, the seller shall separately report on the return to the department of revenue, the aggregate amount of the gross receipts and the amount of tax collected on the rental of films, records or any type of sound or picture transcriptions. The director of revenue shall annually transfer state sales tax revenues collected on the rental of films, records or other

type of sound or picture transcriptions, except revenues allocated to the school district trust fund pursuant to section 144.701, RSMo, to the video instructional development and educational opportunity fund.

4. Within the department of elementary and secondary education, there is established an advisory committee which shall make recommendations to the state board of education on the grant program. The committee shall be composed of twenty-nine members. The members of the committee shall consist of one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the state board of education, one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the coordinating board for higher education, three classroom teachers from the elementary and secondary level appointed by the state board of education, three school administrators of elementary or secondary schools appointed by the state board of education, three members of school boards of local public school districts appointed by the state board of education, four representatives from public community college districts appointed by the coordinating board for higher education, four representatives of state-supported institutions of higher education other than community colleges appointed by the coordinating board for higher education, one representative of the regional consortium for education and technology appointed by the state board of education, one representative of the cooperating school districts of the St. Louis suburban area appointed by the state board of education, two representatives of the public appointed by the governor with the advice and consent of the senate, two members of the senate appointed by the senate president pro tem and two members of the house of representatives appointed by the speaker of the house of representatives. Of all members appointed by the state board of education, no more than four shall be from any one congressional district and of all the members appointed by the coordinating board for higher education, no more than four shall be from any one congressional district. The members of the committee shall serve three-year terms and shall not serve more than two terms consecutively. However, committee members having served two consecutive terms may be reappointed after leaving the committee for at least one three-year term. On August 28, 1992, the committee shall designate nine of its members to serve a term of one year, ten of its members to serve a term of two years, and ten of its members to serve a term of three years. All subsequent appointments shall be for three years. All members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred while serving on the committee out of funds appropriated for that purpose. The committee shall meet at least quarterly and shall annually issue a report together with its recommendations to the state board of education and the general assembly.

5. The state board of education may cooperate with existing programs including the University of Missouri, other institutions of higher education, the cooperating school districts of the St. Louis suburban area, or its successor organization, the regional consortium for education and technology or its successor organization, and any statewide organization of public school governing boards and may delegate or contract for the performance or operation of the respective grant programs. The state board of education shall establish appropriate guidelines for participation by the aforementioned entities and by school districts, community college districts, and public television stations as defined in section 37.205, RSMo, in the grant program. Such guidelines shall include application procedures and shall establish policies for awarding grants in the event that more grant applications are received than are funds available to honor the applications in any fiscal year. In allocating funds to applicants, the state board of education may give due consideration to revenues available from all other sources. The state board of education shall accredit courses offered through this program at the elementary and secondary education level. The coordinating board for higher education shall approve courses taught at the postsecondary level.

6. In any fiscal year, moneys in the fund shall be used first to ensure that any and all school districts, community college districts and state institutions of higher education seeking aid under this program shall receive telecommunications equipment including computers and modems necessary to participate in the satellite learning process or instructional television video; second to provide the school districts, community college districts and state institutions of higher education with access to subjects at the advanced level or the remedial level or which are not taught in the schools of the district or the service area or campus, which subjects shall include courses in continuing education necessary for maintenance or renewal of licenses for all such licensed health care providers; and third to provide enrichment classes for all pupils of the district. However, the state board of education may set aside a portion of the funds to be used to contract with state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, to develop instructional programs for grades kindergarten through twelve and for undergraduate and graduate course work suitable for broadcast to the school districts, community college districts and

state institutions of higher education as appropriate and to develop the capability to transmit programs cited in this section.

7. Participation by a local school district, a community college district or a state institution of higher education in the program established by this section shall be voluntary. No school district, community college district or state institution of higher education receiving funds under this program shall use those funds for any purpose other than that for which they were intended. Any school district, community college district or state institution of higher education shall be eligible to receive funds under this program regardless of its curriculum, local wealth or previous contractual arrangements to receive satellite broadcast instruction.

8. The office of administration on behalf of the state of Missouri may contract with institutions of higher education for the development or operation or both of state employee training programs transmitted by telecommunications technology.

9. Instructional programs developed pursuant to this section which are transmitted one way through the airwaves or by cable television shall be available to all residents of this state without charge or fee to the extent permitted by the Missouri Constitution. "Without charge or fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable television service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which shall be paid directly by the individual participant, but the fee shall be equal for all participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from the grant pursuant to this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproductions thereof may be made available for loan by the school district, community college or institution of higher education through the public library system subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution. Instructional programs which involve two-way, interactive communication between the instructor and the participant shall also be available to any not for profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable subscription fee as determined by the state board of education. Such fees shall be set on a per-participant, per-course basis. The district or institution or the state board of education may make telecommunication equipment available for purchase at cost by or rental to any not for profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo.

10. (1) In order to facilitate or complement telecommunications, local exchange telecommunications companies shall file with the public service commission tariffs for provision of local service to public school districts, and may file tariffs for provision of local service to accredited primary or secondary schools owned or operated by private entities and community college districts located within the local exchange telecommunications companies certified area. Such local exchange telecommunications companies shall seek commission authorization to provide local service at rates lower than those charged for business and residential service in effect when the tariff is filed, provided that the proposed rates may not be below the actual cost of providing the service. Upon approval of the public service commission, the rates shall not be classified as discriminatory for the purposes of chapter 392, RSMo.

(2) The public service commission may approve the tariff as submitted, or may, after hearing, modify the tariff in the public interest. The commission may promulgate rules to aid in the implementation of this section."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 3**:

Amend Senate Bill No. 944, Page 6, Section 160.261, Line 178, by inserting immediately after said line the following:

**"160.700. 1. There is hereby established a pilot program for public middle school students using military training and motivation methods. This program shall be established jointly by the department of elementary and secondary education, the department of social services and the national guard.**

**2. The program may include and emphasize appropriate role model examples, adventure training, codes of conduct and policies on discipline as necessary to train students to become personally disciplined.**

**3. Students in the seventh or eighth grades may apply to attend the program upon recommendation of their school administration, or upon recommendation by local division of family services counselors.**

**4. This program shall be a four week residential program at a national guard facility during which time military training instructors from the national guard shall have overall responsibility for the students. Academic instruction shall be provided by the local school system and needed training for the families of the students shall be provided by school counselors or the department of social services.**

**4. There is hereby established in the state treasury the "National Guard Pilot Instruction Program Fund". The pilot program of public instruction established pursuant to this section shall be funded by moneys from this fund. The fund may receive any grants, gifts, donations and appropriations for the purpose of establishing and operating this program."; and**

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Bill No. 944, Page 7, Section 167.117, Line 29, by inserting immediately thereafter the following:

**"568.050. 1. A person commits the crime of endangering the welfare of a child in the second degree if:**

**(1) He with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or**

**(2) He knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or**

**(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or**

**(4) He knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 195.130, RSMo[.];**

**(5) Being a parent, guardian, or other person legally charged with the care or custody of a child less than seventeen years old, residing in the same home with that child, allows said child to bring a weapon to school in violation of district policy, when such weapon is the property of that parent.**

**2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.**

3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 944**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 802**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 802**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 802

An Act to repeal section 99.805, RSMo Supp. 1999, relating to tax increment financing, and to enact in lieu thereof six new sections relating to the same subject, with an effective date.

Was taken up.

Senator Goode moved that **SCS** for **SB 802** be adopted.

Senator Johnson assumed the Chair.

Senator Klarich offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 802, Page 7, Section 99.867, Line 42, by inserting immediately after said line the following:

**"3. If the majority of the proposed redevelopment project is located in an area meeting the requirements of low fiscal capacity, high unemployment and poverty set forth in this section, and if such conditions are documented in an area which is contiguous but outside of the qualifying area, and is smaller than a census block group, the contiguous area shall be added to the qualifying area."**

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goode, **SB 802**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

#### RESOLUTIONS

Senator Goode offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1434

WHEREAS, the members of the Missouri Senate were distressed to learn of the recent death of Fred J. Mishow of St. Louis, a remarkable individual who was an inspiration to all who knew and loved him; and

WHEREAS, Fred Mishow, a longtime businessman and community volunteer, departed this world on March 11, 2000, to join God in the love and beauty of His everlasting light; and

WHEREAS, a native of Bochum, Germany, Fred Mishow was known, admired, and respected for courageously defending America as a Mess Sergeant for the United States Army during World War II; and

WHEREAS, Fred Mishow also distinguished himself as the successful and active owner of a wholesale jewelry supply business that sold goods to retail jewelers; and

WHEREAS, a recipient of the Thomas F. Eagleton Grassroots Democrat Award presented by the St. Louis County Central Committee, Fred Mishow was a lifelong Democrat who supported the Hadley-Lincoln Democratic Club of Hadley Township; and

WHEREAS, Fred Mishow was past President of the Delmar-Harvard PTA and the Parkview Gardens Neighborhood Association, and a valued member of the University City Land Clearance for Redevelopment Association, the University City Historical Society, the Jewish War Veterans, St. Louis Ambassadors, the Backstoppers, and the B'nai Brith and Temple Israel congregation; and

WHEREAS, Fred Mishow will be greatly missed by his grieving family which includes his wife of forty-five years, Audrey Hoffman Mishow; two sons, M. Edward Mishow of Newport Beach, California, and Martin Mishow of Cape Girardeau; one sister, Senta Cann of University City; and three grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in paying final tribute to Fred Mishow, and further express to his family our deepest sympathy at this time of tremendous personal loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Fred J. Mishow.

Senators Goode and Schneider offered Senate Resolution No. 1435, regarding Chief Jerry T. Burke, Normandy, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1436, regarding Joan M. Hays, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1437, regarding the Eightieth Birthday of Mrs. Frances W. Jaeger, Cooper County, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1438, regarding Dr. Rosemary Hearn, Jefferson City, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 597**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## **REFERRALS**

President Pro Tem Quick referred **SB 864** and **SCS** for **SB 597** to the Committee on State Budget Control.

## **THIRD READING OF SENATE BILLS**

**SS** for **SB 813**, introduced by Senator House, entitled:

SENATE SUBSTITUTE FOR

## SENATE BILL NO. 813

An Act to repeal section 85.011, RSMo 1994, and section 590.135, RSMo Supp. 1999, relating to discipline of law enforcement officers, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator House, **SS** for **SB 813** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Clay
DePasco	Ehlmann	Goode	House
Jacob	Johnson	Mathewson	Maxwell
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Bentley	Childers	Flotron	Graves
Howard	Kenney	Kinder	Klarich
Mueller	Rohrbach	Steelman	Westfall--12
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 771**, introduced by Senator DePasco, entitled:

An Act to amend chapter 415, RSMo, relating to self-service storage facilities by adding thereto one new section relating to late fees.

Was taken up.

On motion of Senator DePasco, **SB 771** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators			
Kenney	Rohrbach--2		
Absent--Senator Singleton--1			

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

## **REMONSTRANCES**

Senator Ehlmann offered the following remonstrance, which was referred to the Committee on Rules, Joint Rules and Resolutions:

### **SENATE REMONSTRANCE NO. 4**

WHEREAS, methyl tertiary butyl ether (MTBE), the most popular oxygen fuel additive, has been shown to cause risk to the nation's drinking water supply; and

WHEREAS, reformulated motor fuel most often achieves the federal requirement for "oxygenated" components through inclusion of a substantial increase in the amount of methyl tertiary-butyl ether or MTBE; and

WHEREAS, motor fuels are often leaked into the ground surrounding a fuel station by leakage from underground storage tanks or splashing losses; and

WHEREAS, MTBE is more water-soluble than components in conventional gasoline and is transported much more readily into aquifers used for drinking water supplies; and

WHEREAS, the General Assembly lifted the ban on reformulated gasoline in 1998 and thus gave Governor Mel Carnahan the discretion to require reformulated gasoline in Missouri; and

WHEREAS, Governor Mel Carnahan sent a letter of notification to the Administrator of the United State Environmental Protection Agency in 1998 to "opt" Missouri into the federal reformulated gasoline program for the St. Louis low-level ozone nonattainment area beginning in the warm weather season for 1999; and

WHEREAS, MTBE has been used in reformulated motor fuel required throughout the St. Louis non-attainment area during the warm weather season beginning in 1999; and

WHEREAS, MTBE has been shown to be a possible human carcinogen which renders drinking water foul and unusable by humans and obscures its benefit of improving air quality; and

WHEREAS, the continued use of reformulated gasoline with MTBE could cause significant and long-lasting contamination of St. Louis area soils and drinking water supplies; and

WHEREAS, this threat to public health and the environment constitutes an emergency situation requiring immediate emergency action by the Governor as the supreme executive official of the state; and

WHEREAS, confronted with a similar situation, the Governor of California issued an executive order calling for "removal of MTBE from gasoline at the earliest possible date"; and

WHEREAS, Congress has recently introduced legislation to ban the use of MTBE but would allow the harmful polluting to continue for three years; and

WHEREAS, should any private citizen pollute the groundwater of this state, the Department of Natural Resources of this administration would demand and require immediate cessation of said polluting activity; and

WHEREAS, the United States Environmental Protection Agency revised its regulations to end the use of MTBE as a part of reformulated gasoline but has also allowed the harmful pollution to continue; and



WHEREAS, all the Governor of the state of Missouri has done regarding this crisis is to write a letter to Carol Browner, head of the Environmental Protection Agency, to come up with a "national solution" and expressing individual states "will devise different solutions that may not be protective":

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby join in remonstrating against Governor Mel Carnahan for opting the state into participation in this potentially harmful and hazardous reformulated gasoline program; and expressing the view that the Federal Government is better able to protect the citizens of Missouri than their state government; and

BE IT FURTHER RESOLVED that the Governor should issue an executive order calling for the removal of MTBE from gasoline at the earliest possible date; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor and each member of Missouri's Congressional delegation and the Administrator of the United States Environmental Protection Agency and the Director of the Department of Natural Resources.

### SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 1017**, with **SCAs 1 and 2**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

**SCA 2** was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1017, Page 1, In the Title, Line 2, by striking "transportation" and inserting in lieu thereof the following: "capital infrastructure improvements"; and further amend the title, line 3, by inserting after "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

**"66.750. Sections 66.750 to 66.789 shall be known as the "Downtown Residential Revitalization Act".**

**66.753. As used in sections 66.750 to 66.789, the following terms mean:**

- (1) "Board", the board of trustees of a district;**
- (2) "County", any county or any city not located within a county;**
- (3) "District", a downtown residential revitalization district organized pursuant to sections 66.750 to 66.789;**
- (4) "Downtown", the area comprising the primary business district, as identified by the board, of the city with the largest population wholly within the downtown residential revitalization district, which district shall not contain more than five percent of the total geographic area of such city;**
- (5) "Executive", any mayor, county executive, presiding commissioner, or other chief executive of a county.**

**66.756. 1. A "Downtown Residential Revitalization District", may be created in any city not located within a county and any county of the first classification with a charter form of government containing a population of more than nine hundred thousand. The election authority of each county that is wholly contained in the district**

shall submit the proposal to the voters at the next municipal or state general, primary or special election after August 28, 2000. Such downtown residential revitalization district is created pursuant to subsection 2 of this section, for the purpose of promoting, encouraging, and fostering the economic health and vitality of the original downtown region within its boundaries, and shall be limited to the following public purposes: education, capital improvements and infrastructure, and downtown beautification. Such district shall be a body corporate and politic and a political subdivision of this state.

2. If a majority of the votes cast on the proposal by the qualified voters voting thereon in all counties which are wholly contained within the district is in favor of the proposal, then the downtown residential revitalization district shall be formed effective. If a majority of the votes cast by the qualified voters of any county voting are opposed to the proposal, then the district shall not be formed until another proposal is submitted to authorize the district to the voters of such county and such a proposal is approved by a majority of the qualified voters voting thereon. If a majority of the votes cast on the proposal by the qualified voters in a county are in favor of the proposal, then the measure shall be deemed approved in that county. The district shall not be implemented until it is approved by a majority of voters in all counties voting thereon. In the event that the proposal is approved in one or more, but not all of the counties, voting thereon at a single election, the proposal may be resubmitted to the voters of the county in which the measure failed to receive majority support at any subsequent qualifying election. If at any subsequent qualifying election the voters of the county which failed to approve the measure previously approve the measure by a majority vote, the district will be formed, notwithstanding any delay between the approval in the first county and the approval in another county.

3. The district authorized by this section shall be created on the first day of the second calendar quarter following approval of the proposal by the qualified voters of all counties voting thereon.

66.759. 1. Management of the district shall be vested in a board of trustees. The executive of the county from which a board member received his or her appointment may remove any such board member for breach of such member's fiduciary duty.

2. No board member shall hold an elected public office. Board members must be citizens of the United States and they must reside within the county within the district from which they were appointed. No board member shall receive compensation for performance of duties as a board member. No board member or immediate family member of any board member shall engage in any act prohibited by section 105.458, RSMo.

3. All vacancies on the board shall be filled in the same manner for the duration of the term being filled. On the expiration of such initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by the respective appointing officers as identified in subsections 6 and 7 of this section. After the initial board members' terms, board members shall be appointed to and serve for terms of four years and until their successors are named and such successors have commenced their respective terms as board members. Board members shall be eligible for re-appointment.

4. Promptly after their appointment, the initial board members shall hold an organizational meeting at which they shall elect a chairman and such other officers from among their number as they may deem necessary and the board may make and adopt such bylaws, rules and regulations for their guidance and for the execution of the purposes of the district as may be expedient and not inconsistent with sections 66.750 to 66.789.

5. The board shall keep accurate records of all its proceedings and actions and shall compile and publish reports of information relating to the district and to the board's functions and proceedings all as provided under chapter 610, RSMo.

6. The executive of the county which is wholly within the district having the largest population shall appoint six members of the initial board, two for a one year term, two for a two year term and two for a three year term. The county executive shall allocate his or her appointments to the board in a manner which ensures that four such appointees shall reside in cities within such county and two appointees shall reside in unincorporated areas of such county. Furthermore, the county executive of the county wholly within the district having the largest population shall appoint no more than three board members who are members of the same political party and

**no two board members shall reside in the same county council district at the time of appointment.**

**7. There shall be three board members appointed from any city not within a county which is a part of the district. One such board member shall be appointed by the mayor of such city and shall serve for an initial term of three years. One such board member shall be appointed by the president of the board of aldermen of such city and shall serve for an initial term of one year. One such board member shall be appointed by the comptroller of such city and shall serve for an initial term of two years.**

**66.762. 1. The board shall possess and exercise all of the district's legislative and executive powers.**

**2. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board and approve any board resolution.**

**3. Each board member shall devote such time to the duties of the office as the faithful discharge thereof may require.**

**66.765. 1. The board shall not hire any person to be an employee of the district.**

**2. The board may engage accountants, attorneys and other professional advisors as it deems necessary.**

**66.768. 1. The board shall review projects to determine which, in the board's sole discretion, shall be entitled to funding pursuant to this act. Notwithstanding any other laws to the contrary, the decision of the board shall take precedence over any planning and zoning authority that may exist.**

**2. The board shall also have the power to waive any applicable environmental regulations of the state or any political subdivision of the state, except those which pertain to health and safety.**

**66.774. In addition to all other powers granted by sections 66.750 to 66.789 the district shall have the following general powers:**

**(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;**

**(2) To purchase any personal property necessary or convenient for its activities;**

**(3) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers; and**

**(4) The district may issue bonds, notes and other obligations in an amount not to exceed five hundred million dollars, and may secure any of such obligations by mortgage, pledge, assignment, security agreement or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 66.750 to 66.789. The district shall also have the power and authority to assign revenues, property or other securities or otherwise to secure financing on the issuance of bonds through another political subdivision or an agency of the state.**

**66.777. The board shall, in conjunction with the department of economic development, identify programs of tax credit or abatement which predominantly impact any county contained within the district, and shall report to the general assembly the specific types of programs and amounts of credits authorized, designating the amounts authorized but not utilized. The report shall be due within six months of the effective date of this act.**

**66.780. 1. As soon as possible after the establishment of the board of trustees, the board shall adopt a downtown plan for the district which shall, among other things, delineate the specific boundaries of the downtown area, set forth priorities for the development or revitalization of downtown and establish budgetary guidelines for the achievement of the same.**

**2. Any plan in effect for the district shall not be inconsistent with the most recent plan adopted by the planning commission of the city in which the downtown area is located and by the board of directors or its equivalent of the entity providing operational and management services to the district.**

**66.789. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its agents from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be paid by the district."; and**

Further amend said bill, page 2, Section 226.133, Line 53, by inserting after all of said lines the following:

"Section B. Due to the immediate need to provide for the revitalization of urban core districts, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Mathewson raised the point of order that **SA 1** is out of order as it exceeds the intent, scope and purpose of the original legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 26, by inserting at the end of said line the following: "**Any such resolution shall be submitted to a vote of the membership of the house of representatives and the senate within forty-five days of introduction or receipt from the other chamber.**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 53, by inserting after all of said line the following:

**"Section 1. 1. Notwithstanding any other provision of law, when the department of transportation intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars or potential reduction of a party's financial obligation to the state in excess of one hundred thousand dollars shall forward a copy to the attorney general before entering into that contract or other written agreement or approving that letter of intent.**

**2. Upon receiving the contract, written agreement or letter of intent, the attorney general shall, within ten days, review and approve that contract for its legal form as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, written agreement or letter of intent with additional provisions as may be necessary to the proper enforcement of the contract as required to protect the state's legal interest.**

**3. The review shall be restricted to the legal form of the contract, written agreement or letter of intent to protect**

the legal interest of the state of Missouri. The basis for not approving the contract, written agreement or letter of intent shall not include the parties or economic terms to such agreements.

4. Communications related to the attorney general's review are attorney-client communications except the attorney general's written disposition shall be subject to chapter 610, RSMo, when and if the contract, written agreement or letter of intent becomes effective."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Ehlmann, Kenney and Stoll.

SA 3 was adopted by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Rohrbach	Schneider
Scott	Staples	Stoll	Wiggins
Yeckel--21			
NAYS--Senators			
Bentley	Bland	Carter	Graves
Kenney	Kinder	Klarich	Mueller
Russell	Sims	Singleton	Steelman
Westfall--13			
Absent--Senators--None			
Absent with leave--Senators--None			

President Pro Tem Quick assumed the Chair.

Senator Maxwell offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 25, by striking the word "reject" and inserting in lieu thereof "**approve**"; and further amend said page and section, line 26, by inserting immediately after the word "plan" the following: "**; if the General Assembly does not approve the plan within forty-five days, the plan shall be considered rejected.**".

Senator Maxwell moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Ehlmann offered SA 5, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 53, by adding: "The provisions of this bill shall not go into effect unless and until the General Assembly appropriate and the governor release to the Missouri Department of Trans- portation money from the general revenue fund of a sufficient amount so that the percent of revenue increase for the Missouri Department of Transportation is equal to the percent of increase of the total budget of the State of Missouri.".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 5** was withdrawn.

Senator Clay offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Bill No. 1017, Page 1, In the Title, Line 2, by striking "bonding for"; and

Further amend said bill, page 2, section 226.133, line 53, by inserting immediately after said line the following:

"227.020. There is hereby created and established a statewide connected system of hard-surfaced public roads extending into each county of the state, which shall be located, acquired, constructed, reconstructed, and improved and ever after maintained as public roads, and the necessary grading, hard-surfacing, bridges and culverts therefor shall be constructed by the state of Missouri. Such statewide connected system of hard-surfaced roads shall be known as the "state highway system", and shall consist of highways along the following described routes:

Adair County--Beginning at the Adair-Sullivan County line, west of Novinger, thence east and south through Novinger, Kirksville and Brashear to the Adair-Knox County line. Beginning at the Adair-Schuyler County line, north of Sublette, thence south to Kirksville, thence south and east through Millard to the Adair-Macon County line near LaPlata.

Andrew County--Beginning at the Nodaway-Andrew County line, thence south through Savannah to the Buchanan-Andrew County line, just north of St. Joseph. Beginning at the Holt-Andrew County line, at the state ferry crossing, thence east a distance of approximately six miles to a point connecting with the north and south state road near Savannah. Beginning at a point on the north and south state road near Rosendale, thence north and east through Rosendale, Rea and Whitesville to the Gentry County line west of King City. Beginning at a point on the DeKalb-Andrew County line near Union Star, thence south and west through Rochester and Avenue City to the Andrew-Buchanan County line near St. Joseph.

Atchison County--Beginning at the Holt-Atchison County line east of Milton, thence north and west to Fairfax, thence north to Tarkio, continuing due north to the Iowa state line. Beginning at Tarkio, thence east to the Nodaway-Atchison County line, west of Burlington Junction. Beginning on the north and south state road south of Tarkio, thence west via Rockport to Phelps City. Beginning at Rockport, thence in a northerly direction to the Iowa state line.

Audrain County--Beginning at the Audrain-Randolph County line, near Clark, thence southeast to the Audrain-Boone County line and along said county line to a point north of Centralia. Beginning at the Audrain-Boone County line east of Centralia, thence south and east through Thompson and Mexico to the Audrain-Montgomery County line near the Burlington railroad. Beginning at the Audrain-Monroe County line, thence southeast to Mexico, thence southwest to the Audrain-Callaway County line north of Auxvasse. Beginning at the Audrain-Pike County line, east of Vandalia, thence west to Vandalia, Farber and Laddonia, thence south to Laddonia, to connect with the state road north of Martinsburg.

Barry County--Beginning at the Newton-Barry County line, thence in a northeasterly direction to Monett, thence north to the county line and along the county line for a short distance between Lawrence and Barry counties. Beginning at Monett, thence south to Cassville and southwest and southeast through Seligman to the Arkansas-Missouri state line. Beginning at the Newton-Barry County line, thence east and south to Wheaton, thence east and south to Exeter, thence east into Cassville, from Cassville northeast to Barry-Stone County line west of Galena.

Barton County--Beginning at the Vernon-Barton County line, thence south through Lamar to the Jasper-Barton County line. Beginning at the Missouri-Kansas state line, thence east through Lamar, continuing east to near the Dade County line, thence south and east through Golden City to the Dade-Barton County line.

Bates County--Beginning at the Cass-Bates County line, thence south through Adrian, Butler and Rich Hill to the Vernon-Bates County line. Beginning at the Kansas-Missouri state line, thence east through Amoret and Butler to the St. Clair-Bates County line, near the northwest corner of St. Clair County.

Benton County--Beginning at the Pettis-Benton County line near Ionia, south through Lincoln and Warsaw, thence southeast through Dell and Fristoe to the Hickory-Benton County line, just north and west of Cross Timbers. Beginning on the north and south road two miles south of Ionia, thence east through Cole Camp to the Morgan-Benton County line.

Bollinger County--Beginning at the Bollinger-Wayne County line at Ivey Ford, thence north and east through Marble Hill to the Bollinger-Cape Girardeau County line, west of Jackson. Beginning at Dongola, thence southeast to Bollinger-Stoddard County line. Beginning at Marble Hill, thence in a northerly direction to Patton, at which point the road forks, one extending to the Bollinger-Perry County line near Alliance, and the other to the Bollinger-Madison County line east of Fredericktown. Beginning at Marble Hill, thence south to a point near Dongola, thence in a southwesterly direction to Stoddard County line near Puxico.

Boone County--Beginning on the Missouri river at Rocheport, thence east through Columbia to the Callaway-Boone County line west of Millersburg. Beginning at the Randolph-Boone County line near the southeast corner of Randolph County, thence south through Columbia, thence south and southeast to the Callaway-Boone County line near the Missouri River. Beginning just north of Centralia on the Audrain-Boone County line, thence south and east via Centralia to the Boone-Audrain County line.

Buchanan County--Beginning at the Andrew-Buchanan County line, thence south to St. Joseph. Beginning at St. Joseph, thence in a southwesterly direction to the Missouri River, at Atchison, Kansas, also one prong southeast to Platte County line. Beginning at St. Joseph, thence south through Faucett to the Platte-Buchanan County line. Beginning at St. Joseph, thence east to the DeKalb-Buchanan County line. Beginning at St. Joseph, thence in a southeasterly direction to the Clinton-Buchanan County line. Beginning at St. Joseph, thence north and east to the Andrew County line.

Butler County--Beginning at the Butler-Wayne County line near Hendrickson, thence south and east to Poplar Bluff, thence south and west to Neelyville, thence to the Missouri-Arkansas line. Beginning at the Butler-Ripley County line near Fairdealing, thence easterly a distance of approximately six and one-half miles to the road above described. Beginning at Poplar Bluff, thence easterly to the Butler-Stoddard County line. Beginning at the Butler-Carter County line near Elsinore, thence south and east through Poplar Bluff to the Butler-Dunklin County line near the southern boundary of the County, near DeKin ferry.

Caldwell County--Beginning at the Clinton-Caldwell County line, near the northeast corner of Clinton, thence east, crossing the north part of Caldwell County to the Caldwell-Livingston County line, near the northeast corner of Caldwell County. Beginning at the Daviess-Caldwell County line, thence south through Hamilton and Kingston, to the Caldwell-Ray County line.

Callaway County--Beginning at the Callaway-Boone County line near Millersburg, thence south and east through Millersburg to Fulton, thence north and east through Calwood to Williamsburg to the Callaway-Montgomery County line. Beginning at Fulton, thence south and west through New Bloomfield to South Cedar City. Beginning at the Callaway-Audrain County line north of Auxvasse, thence south and west through Auxvasse to Fulton. Beginning at the Boone-Callaway County line near the Missouri River, thence southeast to South Cedar City.

Camden County--Beginning at the Dallas-Camden County line, thence north and northeast through Branch, Macks Creek, Linn Creek and Zebra to the Miller-Camden County line. Beginning at the Morgan-Camden County line near Hurricane Deck, thence south through Linn Creek to the Laclede-Camden County line.

Cape Girardeau County--Beginning at the Cape Girardeau-Perry County line, thence south and east through Jackson to Cape Girardeau, thence south to the Scott County line. Beginning at Jackson, thence in a southwesterly direction to the Cape Girardeau-Bollinger County line. Beginning at Jackson, thence south by way of Gordonville to Dutchtown and Delta, thence to the Cape Girardeau-Stoddard County line near the western boundary of Cape Girardeau County. Beginning at Cape Girardeau, thence southwest to Dutchtown.

Carroll County--Beginning at the Ray-Carroll County line, thence in a northeasterly direction through Carrollton, to

the Carroll-Chariton County line. Beginning at the Livingston-Carroll County line, thence south through Tina to Carrollton. Beginning at Carrollton, thence south to Missouri River at Waverly.

Carter County--Beginning at the Carter-Shannon County line west of Fremont, thence east and north through Fremont and Van Buren to the Carter-Reynolds County line near Garwood. Beginning at the Carter-Reynolds County line near Garwood, thence in a southeasterly direction through Elsinore to the Carter-Butler County line. Beginning at the Carter-Ripley County line south of Grandin, thence in a northerly direction on through Grandin to Hunter, to the road last described above at Kirtz Corner.

Cass County--Beginning at the Jackson-Cass County line north of Belton, thence to Belton and southeast to Harrisonville via Peculiar, thence south to the Bates-Cass County line via Archie. Beginning at the Jackson-Cass County line north of Pleasant Hill, thence south and east through Pleasant Hill to the Johnson-Cass County line. Beginning at Harrisonville, thence north to Pleasant Hill. From Harrisonville north to the Cass-Jackson County line.

Cedar County--Beginning at El Dorado Springs, thence north to the St. Clair-Cedar County line. Beginning again at the Vernon-Cedar County line west of El Dorado Springs, thence east to El Dorado Springs, thence in a southeasterly direction through Stockton to the Polk-Cedar County line, west of Fairplay. Beginning at Stockton, thence south and west on the Greenfield road to the Dade County line.

Chariton County--Beginning at the Chariton-Carroll County line, west of Brunswick thence easterly through Brunswick, Keytesville and Salisbury, to the Chariton-Randolph County line. Beginning at the Chariton-Linn County line, near Marceline, thence south and east to Keytesville. From Keytesville south to Glasgow.

Christian County--Beginning at the Lawrence-Christian County line, near the southwest corner of Christian County, thence in a northeasterly direction through Billings to the Greene-Christian County line. Beginning at the Greene-Christian County line, thence south to Ozark and southwest to the Christian-Stone County line, near the intersection of Stone, Taney and Christian counties. Beginning at Ozark, thence east to the Douglas-Christian County line via Sparta. Beginning at Ozark, thence in a westerly direction, via Clever and Nixa to Billings.

**City of St. Louis--Beginning at the St. Louis County line on the west and north, thence east and south, all highways in the City of St. Louis which are functionally classified as of January 1, 1999, by the Missouri department of transportation, the United States Department of Transportation and the Federal Highway Administration as principal arterial highways.**

Clark County--Beginning at the Clark-Scotland County line, thence east and south through Luray, Kahoka and Wayland to Alexandria. Beginning at the Missouri-Iowa state line near Athens, thence south and east to Wayland. Beginning at Wayland, thence south and east to Lewis-Clark County line.

Clay County--Beginning at the Clay-Clinton County line, near Trimble, thence south through Smithville, Nashua, and North Kansas City, also a prong near south end in westerly direction connecting with state road in Platte County. Beginning at the Ray-Clay County line, thence in a southwesterly direction through Excelsior Springs, Liberty and North Kansas City. Beginning at Nashua, thence west to the Platte-Clay County line.

Clinton County--Beginning at the Clay-Clinton County line south of Trimble, thence north through Trimble and Grayson, one prong going east to Plattsburg and one prong north and west to the Buchanan-Clinton County line. Beginning at Plattsburg, thence in a southeasterly direction to Lathrop. Beginning at Plattsburg, thence northeast to Perrin and north to the east and west state road near the DeKalb-Clinton County line.

Cole County--Beginning at the Moniteau-Cole County line, thence east through Centertown and Jefferson City to the Osage County line at Huber's Ferry. Beginning at Jefferson City, thence southwest via Brazito to the Miller-Cole County line near Eugene. Beginning at Cole-Miller County line, thence north via Eugene to connect with state road north of Eugene.

Cooper County--Beginning at the Saline-Cooper County line near the Missouri River, south of Arrow Rock, thence south and east through Lamine and Boonville to the Missouri River east of Boonville near Rocheport. Beginning at



Boonville, thence southwest and south via Bellair to the Cooper-Moniteau County line near the Moniteau-Morgan County line.

Crawford County--Beginning at the Phelps-Crawford County line, northeast of St. James, thence northeast via Cuba, Leasburg and Bourbon to the Franklin-Crawford County line near Sullivan. Beginning at Cuba, thence southeast via Steelville to Cherryville, thence southeast along the Cherryville-Davisville County road to the intersection of the Davisville-Sligo road, thence following the Davisville-Sligo road in a southwest direction to the Dent-Crawford County line. Beginning at Steelville, thence east to the Washington-Crawford County line, connecting with the east and west road in Washington County.

Dade County--Beginning at the Barton-Dade County line near Golden City, thence east and north to Greenfield, thence east through Polk township, thence south to Everton, thence south and east to the Greene-Dade County line. Beginning at Greenfield, thence north to the Cedar County line. Beginning at Greenfield, thence south via South Greenfield and Pennsboro to Lawrence-Dade County line.

Dallas County--Beginning near the northwest corner of Dallas County on the Hickory-Dallas County line, thence via Urbana and Louisburg in a southeasterly direction to Buffalo, thence south via Olive to Goss school house, thence west and south to Greene-Dallas County line. Beginning at Buffalo, thence in a northeasterly direction to the Dallas-Camden County line. Beginning at Buffalo, thence west to the Dallas-Polk County line.

Daviess County--Beginning at the DeKalb-Daviess County line, near the southwest corner of Daviess County, thence in a northeasterly direction through Winston, Altamont, Gallatin and Jamesport, to the Grundy-Daviess County line. Beginning at Gallatin, thence south to the Daviess-Caldwell County line. Beginning at the Daviess-Harrison County line, north to Pattonsburg, thence in a southerly direction through Pattonsburg to Altamont. Beginning at the DeKalb-Daviess County line, near Weatherby, thence south and east to a point on the state road near Winston.

DeKalb County--Beginning at the Buchanan-DeKalb County line, thence in an easterly direction to the Clinton-DeKalb County line. Beginning at the Buchanan-DeKalb County line, thence in a northeasterly direction through Clarksdale, Maysville and Weatherby to the Daviess-DeKalb County line. Beginning at the Gentry-DeKalb County line, near King City, thence south to Clarksdale. Beginning at the DeKalb-Gentry County line, near King City, on the north and south state road in DeKalb County, thence south and west through Union Star to the Andrew County line. Beginning at the DeKalb-Daviess County line, near the southwest corner of Daviess County, thence south and west to the DeKalb County line at Cameron.

Dent County--Beginning at the Texas-Dent County line, northeast of Licking, thence in a northeasterly direction, through Ranger and Salem to Sligo, thence east to Crawford-Dent County line connecting with the Sligo-Davisville County road west of Cherryville. Beginning at Salem, thence in an easterly direction by way of Stone Hill and Hawes Mill to the Iron-Dent County line southwest of Bixby. Beginning at Salem, thence in a southeasterly direction to the Shannon-Dent County line, connecting with the north and south state road in Shannon County.

Douglas County--Beginning at the Wright-Douglas County line, south of Mansfield, thence in a southwesterly direction to Ava, thence in a southeasterly direction to the Douglas-Ozark County line. Beginning at Ava, thence in a northwesterly direction to the Christian-Douglas County line via Tigris. From Ava southeast to Howell-Douglas County line, just west of Siloam Springs.

Dunklin County--Beginning at the Dunklin-Stoddard County line at the northeast corner of Dunklin County, thence southwest through Malden, Clarkton, Kennett, Caruth, Senath and Cardwell to the Missouri-Arkansas state line at Hopkins River bridge. Beginning at the Dunklin-Butler County line, thence south and east through Campbell and Holcomb to the road described above. Beginning at the Missouri-Arkansas state line west of Kennett, thence easterly through Kennett to the Dunklin-Pemiscot County line.

Franklin County--Beginning at the Gasconade-Franklin County line near Rosebud, thence north and east through Gerald, Leslie, Union and Villa Ridge to the Franklin-St. Louis County line. Beginning at Washington, thence south and east to Villa Ridge. A distance of ten miles, connecting with the above described road. Beginning at Union, thence south and east to St. Clair, thence south and west through Stanton and Sullivan to the Franklin-Crawford County line.

Beginning at St. Clair, thence south and east through Lonedell to the Franklin-Jefferson County line near Grubville.

Gasconade County--Beginning at the Gasconade-Osage County line near Mt. Sterling, thence easterly through Mt. Sterling to Drake, thence south and east to Rosebud, thence northeast to the Gasconade-Franklin County line.

Beginning at Hermann, thence in a southerly direction to Drake. Beginning at Rosebud, thence south and west through Owensville and Bland to the Gasconade-Osage County line near Belle.

Gentry County--Beginning at King City, thence north to Stanberry, thence east through Albany to the Harrison-Gentry County line, near New Hampton. Beginning at the Worth-Gentry County line, thence south to the east and west road west of Albany, 11.2 miles. Beginning at the Nodaway-Gentry County line, thence east one-half mile, thence south to the Wabash railroad, thence parallel the Wabash railroad south of east to Stanberry, 4.3 miles. Beginning at the Andrew-Gentry County line, thence east to King City. Beginning at Albany, thence south to Evona.

Greene County--Beginning at the Christian-Greene County line near Billings, thence in a northeasterly direction and east direction to Springfield, thence in a northeasterly direction to the Webster-Greene County line. Another prong beginning at the Lawrence-Greene County line, thence in an easterly direction connecting with the above road west of Springfield. Beginning at Springfield, thence southeast through Galloway to the Christian-Greene County line. Another prong beginning on the above road just south of Galloway, thence east to the Webster-Greene County line near Rogersville. Beginning at the Dade-Greene County line, thence in a southeasterly direction connecting with the state road, west of Springfield. Beginning at the Polk-Greene County line, thence south to Springfield. Beginning at the Dallas-Greene County line, thence southwest to Springfield. Beginning at the Lawrence-Greene County line, thence east connecting with the state road west of Republic.

Grundy County--Beginning at the Grundy-Daviess County line, thence in a northeasterly direction through Edinburg, Trenton and Galt to the Grundy-Sullivan County line. Beginning at the Mercer-Grundy County line, thence south through Spickard, Tindall and Trenton to the Livingston County line.

Harrison County--Beginning at the Iowa-Missouri state line, thence south to Bethany, one prong running west to the Gentry-Harrison County line by way of New Hampton and the other running south to Harrison-Daviess County line. Beginning at Bethany, thence in a northeasterly direction to the Mercer-Harrison County line. Beginning south of Bethany, at the end of the south prong of the above road, and continuing southwestwardly to the Daviess-Harrison County line.

Henry County--Beginning at the Johnson-Henry County line near Post Oak, thence south through Shawnee Mound, Clinton and Deepwater to the St. Clair-Henry County line. Beginning at Clinton, thence northeast to Windsor via Lewis and Calhoun. Beginning at Windsor, thence west and north to the Johnson-Henry County line. Beginning at the St. Clair-Henry County line near the northwest corner of St. Clair County, thence north to Montrose and east to Deepwater, on the north and south road in Henry County.

Hickory County--Beginning at the Benton-Hickory County line, thence southeast and south through Cross Timbers and Preston to the Dallas-Hickory County line at the northwest corner of Dallas County. Beginning at Preston, thence west through Hermitage, Wheatland and Weaubleau to the St. Clair-Hickory County line east of Collins. Beginning on east and west road between Weaubleau and Wheatland, thence north to Benton-Hickory County line via Quincy.

Holt County--Beginning at the Atchison-Holt County line, near Milton, thence south to a point east of Craig, where the road forks, one fork going to Craig and the other continuing in a southeasterly direction to Mound City. (One prong through Mound City southwest of Bigelow.) From Mound City east about five miles to the Gibson Corner, thence south to Oregon. (One prong extending from the north and south road from the Gibson Corner to Oregon, east to New Point.) (One prong from Oregon west to Forest City.) From Oregon east and south to the Andrew-Holt County line at the state ferry. Beginning at the northeast corner of Holt County, on the Nodaway-Holt County line, thence south through Maitland to a point directly east of Mound City, thence west to a point connecting with the Mound City-Oregon state road.

Howard County--Beginning on the Missouri River at Glasgow, thence east and southeast through Fayette to the Howard-Boone County line at Rocheport. Beginning at the Randolph-Howard County line at Roanoke, thence south

through Armstrong to the above mentioned road northwest of Fayette. Beginning at Fayette, thence south to the Missouri River at Boonville via New Franklin.

Howell County--Beginning at the Texas-Howell County line, thence southeast through Willow Springs and West Plains to the Howell-Oregon County line near Koshkonong. Another prong beginning at Willow Springs, thence east through Mountain View to the Shannon-Howell County line. Beginning at the Ozark-Howell County line, thence in an east and northeasterly direction to West Plains. From Mountain View north to Texas-Howell County line.

Iron County--Beginning at the Iron-Washington County line near Caledonia, thence south to Belleview, thence south and east to Ironton, thence south and west to Glover, thence in a southerly direction through Sabula, Annapolis and Des Arc, to the Iron-Wayne County line. Beginning at the Iron-Reynolds County line near Lesterville, thence north and east to Glover. Beginning at Ironton, thence south and east to the Iron-Madison County line. Beginning at the Iron-Dent County line near Bixby, thence north and east through Bixby and Brule, a distance approximately twenty-five miles to a point on the road first described above, approximately one and one-half miles north of Belleview.

Jackson County--Beginning at the Cass-Jackson County line north of Belton, thence north to Kansas City. Beginning at Kansas City, thence in a southeasterly direction to Lee's Summit, Lonejack, to the Johnson-Jackson County line east of Lonejack. One prong leaving the above state road near Lee's Summit, thence in a southerly direction towards Harrisonville to the Cass-Jackson County line. Another prong from the same road in a southeasterly direction towards Pleasant Hill to the Jackson-Cass County line. Beginning at the east city limits of Kansas City, Missouri, near Leeds, Missouri, and thence via the road known as the Sni-A-Bar road to Grain Valley, Missouri, and thence in a southeasterly direction via Oak Grove to the Lafayette-Jackson County line. Beginning at Kansas City, thence east by way of Independence and Levasy to the Lafayette-Jackson County line.

Jasper County--Beginning at the Newton-Jasper County line near Joplin, thence north through Joplin and northeast and east through Webb City to Carthage, thence north to the Barton-Jasper County line. Beginning at Carthage, thence in a northeasterly direction to the Lawrence-Jasper County line. Beginning at the Lawrence-Jasper County line near the southeast corner of Jasper County, thence west parallel with the Jasper-Newton County line approximately sixteen miles thence north to Carthage. Beginning at Joplin, thence in a northwesterly direction through Carl Junction to the Missouri-Kansas state line.

Jefferson County--Beginning at the Jefferson-St. Louis County line, thence south through Maxville, Kimmswick, Barnhart, Pevely and Herculaneum to Festus, thence south and east to the Jefferson-St. Genevieve County line. Beginning at Festus, thence south and west through Hematite, Victoria and DeSoto to the Jefferson-Washington County line. Beginning at DeSoto, thence in a southerly direction to the Jefferson-St. Francois County line. Beginning at the Jefferson-Franklin County line near Grubville, thence in a northeasterly direction through Oermann, Dittmer, Cedar Hill, House Springs and High Ridge to the St. Louis County line, connecting with the Gravois road in St. Louis County.

Johnson County--Beginning at the Cass-Johnson County line, thence east through Kingsville, Holden, Centerview, Warrensburg, and Knob Noster to the Pettis-Johnson County line. Beginning at Warrensburg, thence south to a point one-half mile north of Leeton where the road forks, one fork going south and west via Post Oak to the Johnson-Henry County line on the Clinton road, and the other south and east via Leeton to the Johnson-Henry County line on the Windsor road. Beginning at the Johnson-Jackson County line near the southeast corner of Jackson County east of Lonejack, thence south and east to a point west of Warrensburg, intersecting with the road first described above.

Knox County--Beginning at the Knox-Adair County line, near Hurdland, thence easterly through Hurdland, Edina and Knox City, to the Knox-Lewis County line. Beginning at the Scotland-Knox County line, thence south through Barring, Edina and Plevna, to the Knox-Shelby County line.

Laclede County--Beginning at the Laclede-Webster County line, thence northeast through Lebanon to the Pulaski-Laclede County line. Beginning at Lebanon, thence north via Dove to the Camden-Laclede County line near Decaturville. From Lebanon southeast to Wright-Laclede County line.

Lafayette County--Beginning at the Lafayette-Jackson County line just east of Levasy, thence east by Wellington,

Lexington, Dover, Waverly to the Saline-Lafayette County line. Beginning at the Jackson-Lafayette County line, thence in an easterly direction through Odessa and Higginsville to the Saline-Lafayette County line. Beginning at Lexington, thence in a southeasterly direction to Higginsville.

Lawrence County--Beginning at the Barry-Lawrence County line, thence in a northeasterly direction through Verona, Aurora, Marionville, and McKinley to the Christian-Lawrence County line. Beginning at the Lawrence-Jasper County line near the southeast corner of Jasper County, thence east to Mount Vernon to the Greene-Lawrence County line near the southwest corner of Greene County. Beginning at the Lawrence-Jasper County line northeast of Carthage, thence east to the Greene-Lawrence County line.

Lewis County--Beginning at the Lewis-Knox County line near LaBelle, thence easterly through LaBelle, Lewistown and Monticello to Canton. Beginning again at the Lewis-Clark County line near Gregory Landing, thence south through Canton and LaGrange to the Lewis-Marion County line near Taylor.

Lincoln County--Beginning at the Lincoln-Pike County line near Eolia, thence in a southerly direction to Troy, thence south and east through Moscow Mills to the Lincoln-St. Charles County line. Beginning at the Lincoln-Warren County line south of Hawk Point, thence north to Hawk Point, thence north and east through Troy to Winfield, thence south to the Lincoln-St. Charles County line.

Linn County--Beginning at the Linn-Livingston County line, west of Meadville, thence east through Meadville, Laclede, Brookfield and Bucklin, to the Linn-Macon County line. Beginning at the Linn-Sullivan County line, thence southwest to Linneus, thence south and east through Brookfield and Marceline to the Linn-Chariton County line.

Livingston County--Beginning at the Livingston-Caldwell County line, thence north and east through Mooresville, Utica, Chillicothe and Wheeling to the Livingston-Linn County line, west of Meadville. Beginning at the Livingston-Grundy County line, thence in a southeasterly direction through Farmersville, Chillicothe and Avalon to the Livingston-Carroll County line.

McDonald County--Beginning at the Newton-McDonald County line, thence south through Anderson and Noel to the Arkansas-Missouri state line. Beginning at Noel, thence southwest to the Arkansas-Missouri state line, near the southwest corner of McDonald County. Another prong beginning on the state road south of Anderson at Lanagan, thence east to Pineville and southeasterly to the Arkansas-Missouri state line. From Anderson northeast to Rocky Comfort.

Macon County--Beginning at the Macon-Linn County line east of Bucklin, thence easterly through New Cambria, Callao, Bevier and Macon to the Macon-Shelby County line, near Anabel. Beginning at the Macon-Adair County line north of LaPlata, thence south through LaPlata, Atlanta, Macon and Excello to the Macon-Randolph County line.

Madison County--Beginning at the Madison-St. Francois County line near Mine LaMotte, thence south and east to Fredericktown, thence to the Madison-Wayne County line near Coldwater. Beginning at the Madison-Iron County line east of Arcadia, thence in an easterly direction through Fredericktown to the Madison-Bollinger County line near Patton.

Maries County--Beginning at the Maries-Osage County line near Freeburg, thence south and east through Vienna to the Maries-Pulaski County line near Dixon. Beginning at the Maries-Osage-Gasconade County line east of Belle, thence south and west through Belle and Hawkins Store to Vienna. Beginning again at Hawkins Store, thence south and east to the Maries-Phelps County line near St. James.

Marion County--Beginning at the Marion-Shelby County line near Hunnewell, thence east and north through Ely to Hannibal. Beginning at the Marion-Lewis County line north of Taylor, thence south through Taylor to Palmyra, thence south and east to Hannibal, thence south and west to the Marion-Ralls County line, near Oakwood. Beginning at Palmyra, thence westwardly to Philadelphia to the Marion-Shelby County line.

Mercer County--Beginning at the Mercer-Harrison County line, thence north and east through Princeton and Ravanna, to the Mercer-Putnam County line. Beginning at the Missouri-Iowa state line in Mercer County, at Lineville, thence

south and west through the towns of Mercer and Princeton to the Mercer-Grundy County line.

Miller County--Beginning at the Cole-Miller County line east of Eldon, thence west to Eldon and southwest to Camden-Miller County line by the way of Bagnell. Beginning at the Morgan-Miller County line northwest of Eldon, thence in a southeasterly direction via Eldon, Tuscumbia, Iberia via Petrican ford of Big Tavern Creek to the Pulaski-Miller County line north of Crocker. Beginning at Tuscumbia, thence northwest to Cole-Miller County line near Eugene.

Mississippi County--Beginning at the Mississippi-Scott County line near Buckeye, thence north and east through Charleston to Birds Point. Beginning at the Mississippi-Scott County line near Diehlstadt, thence southeasterly approximately four miles to the road described above. Beginning at Charleston, thence southerly to a point near Anniston where the road forks, one portion extending to Wolf Island and the other to the southwest to the Mississippi-New Madrid County line near East Prairie.

Monroe County--Beginning at the Monroe-Randolph County line, thence northeasterly through Madison to Paris, thence southeasterly to the Monroe-Ralls County line, west of Perry. Beginning at the Monroe-Marion County line at Monroe City, thence south and west through Monroe City and Stoutsville to Paris. Beginning at Paris, thence south and east to the Monroe-Audrain County line. Beginning at the Monroe-Shelby County line, south of Shelbina, thence south and east to Paris.

Moniteau County--Beginning at Cooper-Moniteau County line near the Moniteau-Morgan County line, thence east through Tipton and California to the Cole-Moniteau County line. Beginning at Tipton, thence south to the Morgan-Moniteau County line through Fortuna. Beginning at California, thence north to the Cooper-Moniteau County line on the Prairie Home road.

Montgomery County--Beginning at the Montgomery-Callaway County line west of Mineola, thence easterly to Mineola, thence northeasterly to Danville, thence south and east through High Hill and Jonesburg to the Montgomery-Warren County line. Beginning at the Montgomery-Audrain County line, thence south and east through Wellsville, Montgomery, New Florence, Big Spring and McKittrick to the Missouri River.

Morgan County--Beginning at the Moniteau-Morgan County line near Fortuna, thence south through Versailles and Gravois Mill to the Camden-Morgan County line. Beginning at the Benton-Morgan County line, thence east to Versailles and southeast through Barnett to the Morgan-Miller County line near Eldon.

New Madrid County--Beginning at the New Madrid-Scott County line south of Sikeston, thence in a southerly direction to New Madrid, thence southwest through Portageville to the New Madrid-Pemiscot County line. Beginning at the New Madrid-Dunklin County line at Malden, thence in an easterly direction through Risco to a point in the above described road north of Marston. Beginning at the New Madrid-Stoddard County line near Morehouse, thence in a northeasterly direction through Morehouse to the New Madrid-Scott County line.

Newton County--Beginning at the Jasper-Newton County line near Joplin, thence southeast to Neosho, thence southwest to the Newton-McDonald County line. Beginning at the Oklahoma-Missouri state line at Seneca, thence east through Neosho, via Granby, to the Barry-Newton County line near the northwest corner of Barry County.

Nodaway County--Beginning at the Missouri-Iowa state line near Hopkins, thence south through Pickering, Maryville and Barnard, to the Nodaway-Andrew County line. Beginning at the Nodaway-Atchison County line, thence east and south through Burlington Junction to Maryville, connecting with the north and south state road. Beginning again on the north and south road, south of Maryville, thence easterly through Ravenwood to the Nodaway-Gentry County line.

Oregon County--Beginning at the Oregon-Howell County line north of Koshkonong, thence south and east through Koshkonong and Thayer to the Missouri-Arkansas state line. Beginning at the Oregon-Shannon County line south of Birch Tree, thence south and east through Alton to the Oregon-Ripley County line. From Alton southwest to Thayer.

Osage County--Beginning at Huber's Ferry at the Osage-Cole County line, thence in an easterly direction to Loose Creek and Linn to the Osage-Gasconade County line near Mt. Sterling. Beginning at Chamois, thence south and west

to an intersection with the above road, approximately nine miles east of Linn. Beginning at the Huber's Ferry and thence south and east through Westphalia and Freeburg to the Osage-Maries County line.

Ozark County--Beginning at the Douglas-Ozark County line, thence southeast to Gainesville, thence easterly to the Howell-Ozark County line. Beginning at Gainesville, southwesterly to the Arkansas-Missouri state line. Beginning at or near the Douglas-Ozark County line on the state road from Ava to Gainesville, thence southwest via or in the vicinity of Foil to Thornfield, thence southwest to Longrun.

Pemiscot County--Beginning at the Pemiscot-New Madrid County line near Portageville, thence south and west through Hayti, Canady, Steele and Holland to the Missouri-Arkansas state line. Beginning at the Pemiscot-Dunklin County line east of Kennett, thence east to Hayti and thence southeast to Caruthersville.

Pettis County--Beginning at the Johnson-Pettis County line, thence east through Sedalia and Smithton to the Morgan-Pettis County line. Beginning at the Saline-Pettis County line, thence south through Sedalia to the Pettis-Benton County line near Ionia. Beginning at the Pettis-Henry County line at Windsor, thence due east approximately nine and one-half miles to an intersection with the north and south road described above.

Perry County--Beginning at the Perry-Ste. Genevieve County line south of St. Marys, thence south and east through Perryville and Longtown to the Perry-Cape Girardeau County line near Appleton. Beginning on the Mississippi River near Claryville, thence south and west through Perryville via Silver Lake to the Perry-Bollinger County line near Alliance.

Phelps County--Beginning at the Phelps-Pulaski County line, thence north and east through Newburg, Rolla and St. James to the Phelps-Crawford County line. Beginning at the Phelps-Texas County line, thence north and east through Edgar Springs to Rolla. Beginning at the Phelps-Maries County line, thence south and east to St. James.

Pike County--Beginning at the Pike-Ralls County line near Frankford, thence south and east through Frankford, McCune and Bowling Green, to Eolia, thence south to the Pike-Lincoln County line. From Louisiana to Bowling Green, thence west to Pike-Audrain County line east of Vandalia.

Platte County--Beginning at the Platte-Buchanan County line, thence south through Dearborn, Platte City, thence southeastwardly through Parkville, to the Platte-Clay County line, at the southeast corner of Platte County. Beginning at the Missouri River opposite Leavenworth, Kansas, thence east to Platte City, thence eastwardly to the Platte-Clay County line. Beginning at the Platte-Clay County line west of Nashua, thence westwardly to a point connecting with the road first described above.

Polk County--Beginning at the Cedar-Polk County line west of Fairplay, thence east through Fairplay to Bolivar, thence south to the Greene-Polk County line. Beginning at the St. Clair-Polk County line, thence south to Fairplay, via Humansville and Dunnegan. Beginning at Bolivar, thence east to the Dallas-Polk County line.

Pulaski County--Beginning at the Pulaski-Laclede County line, thence north and east through Laquey and Waynesville to the Pulaski-Phelps County line. Beginning at the Pulaski-Maries County line near Dixon, thence in a southerly direction through Dixon to Anderson's School, connecting with the above described road, approximately seven miles east of Waynesville. Beginning at the Pulaski-Miller County line, thence south and west via Crocker to Waynesville. Beginning at Waynesville, thence south via Bloodland to the Pulaski-Texas County line.

Putnam County--Beginning at the Putnam-Mercer County line, near Ravanna, thence easterly through Unionville and Livonia to the Putnam-Schuyler County line. Beginning at the Missouri-Iowa state line north of Unionville, thence south to Unionville, thence south and west to the Putnam-Sullivan County line.

Ralls County--Beginning at the Ralls-Marion County line near Oakwood, thence south and west to New London, thence south and east to the Ralls-Pike County line, near Frankford. Beginning at the Ralls-Monroe County line, thence east to Perry, thence north and east through Center to New London. Beginning at Perry, thence in a southerly direction to the Audrain County line.

Randolph County--Beginning at the Randolph-Chariton County line, thence east and south through Huntsville, Moberly and Clark to the Randolph-Audrain County line. Beginning at the Randolph-Macon County line south of Excello, thence south through Cairo and Jacksonville to Moberly, thence north and east to the Randolph-Monroe County line. Beginning at the Randolph-Boone County line near Clark, thence north a distance of approximately three miles and connecting with the road as described above. Beginning at the Randolph-Howard County line, thence north and east to Huntsville.

Ray County--Beginning at the road at the Clay County line, near Excelsior Springs, thence south and east through Richmond and Hardin, to the Ray-Carroll County line. Beginning at the Ray-Caldwell County line south of Kingston, thence south and east to Richmond. From Richmond southeast to Lexington.

Reynolds County--Beginning at the Reynolds-Iron County line near Glover, thence westerly to Centerville, then south through Ellington to the Reynolds-Carter County line, approximately four miles west of Garwood. Beginning at Garwood, thence easterly to the Reynolds-Wayne County line. From Centerville northwest to Stone Hill.

Ripley County--Beginning at the Ripley-Oregon County line, thence easterly through Doniphan to the Ripley-Butler County line near Fairdealing. Beginning at a point on the road described above, approximately two miles east of Doniphan, thence northwardly to the Ripley-Carter County line near Grandin. From Doniphan in a southwesterly direction to Arkansas state line, connecting with Arkansas state road.

St. Charles County--Beginning at the Warren-St. Charles County line east of Warrenton, thence in an easterly direction to St. Charles, thence in a northerly and easterly direction to the Mississippi River north of West Alton. Beginning on the above described road near Wentzville, thence in a northerly direction via Wentzville to the Lincoln-St. Charles County line south of Moscow Mills. Beginning at the Lincoln-St. Charles County line south of Winfield, thence in a southeasterly direction to St. Peters.

St. Clair County--Beginning at the Henry-St. Clair County line, thence southeast through Lowry City and Osceola and Collins to the Polk-St. Clair County line. Also a prong from Collins east to the Hickory-St. Clair County line. Beginning at the Cedar-St. Clair County line near El Dorado Springs, thence northeast and east via Tiffin to Osceola. Beginning at the Bates-St. Clair County line west of Appleton City, thence east and north to the Henry-St. Clair County line, south of Montrose.

St. Francois County--Beginning at the St. Francois-Jefferson County line near the M.R. & B.T. tunnel, thence south to Bonne Terre, thence in a southeasterly direction through Desloge, St. Francois, Flat River, Farmington and Libertyville to the St. Francois-Madison County line. Beginning at the St. Francois-Washington County line, approximately one mile west of Bismarck near the southern boundary of Washington County, thence north and east through Bismarck and Elvins to Flat River. Beginning at Farmington, thence in an easterly direction to the St. Francois-St. Genevieve County line.

Ste. Genevieve County--Beginning at the Ste. Genevieve-Jefferson County line near Danby, thence south and east through Bloomsdale to Ste. Genevieve, thence in a southerly direction through St. Marys to the Ste. Genevieve-Perry County line. Beginning at the Ste. Genevieve-St. Francois County line east of Farmington, thence east and north through Weingarten to Ste. Genevieve.

St. Louis County--Beginning at the city limits of St. Louis at Wellston, thence in a northwesterly direction over what is known as the St. Charles Rock Road to the Missouri River bridge at the city of St. Charles. Beginning at the city limits of St. Louis, thence in a westerly direction through Manchester and Ballwin, over what is known as the Manchester Road to the Franklin County line. Beginning at the city limits of St. Louis, thence in a southwesterly direction over what is known as the Gravois Road to the St. Louis-Jefferson County line. Beginning at the city limits of St. Louis, thence in southwesterly direction over what is known as the Lemay Ferry Road to the St. Louis-Jefferson County line.

Saline County--Beginning at the Pettis-Saline County line, thence north through Marshall, continuing north to the Missouri River and the Carroll-Saline County line. Beginning at the Saline-Lafayette County line near Waverly, thence in an easterly and southerly direction through Malta Bend, Marshall to Arrow Rock on the Missouri River. Beginning

at the Lafayette-Saline County line east of Higginsville, thence in an easterly direction to Marshall, thence in a northeasterly direction via Slater and Gilliam to the Missouri River near Glasgow.

Schuyler County--Beginning at the Schuyler-Putnam County line, thence north and east through Glenwood to Lancaster, thence south and east through Downing to the Schuyler-Scotland County line. Beginning at the Missouri-Iowa state line north of Lancaster to Lancaster, thence southwest through Queen City and Green Top to the Schuyler-Adair County line.

Scotland County--Beginning at the Schuyler-Scotland County line, thence south and east to Memphis, thence easterly through Arbela and Granger to the Scotland-Clark County line. Beginning at the Missouri-Iowa state line, thence south through Memphis to the Scotland-Knox County line.

Scott County--Beginning at the Scott-Cape Girardeau County line south of Cape Girardeau, thence south and west through Kelso, Benton, Morley and Sikeston to the Scott-New Madrid County line. Beginning at Benton, thence south and east to the Scott-Mississippi County line, near Diehlstadt. Beginning at the Scott-New Madrid County line, thence northeasterly through Sikeston to the Scott-Mississippi County line.

Shannon County--Beginning at the Shannon-Howell County line near Mountain View, thence eastwardly through Birch Tree to the Shannon-Carter County line. Beginning at Eminence, thence south through Winona to the road described above. Beginning at Birch Tree, thence southwardly to the Shannon-Oregon County line. From Eminence north to Shannon-Dent County line, crossing at a point between Rector and Sinking post offices.

Shelby County--Beginning at the Shelby-Macon County line, thence south and east through Clarence, Lentner and Shelbina and Lakenan to the Shelby-Marion County line near Hunnewell. Beginning at the Shelby-Knox County line, thence south and east through Bethel to Shelbyville, thence south to Shelbina. Beginning at Shelbina, thence south and east to the Monroe County line.

Stoddard County--Beginning at the Stoddard-Butler County line near Fisk, thence easterly through Dudley and Dexter to the Stoddard-New Madrid County line near Morehouse. Beginning at the Stoddard-Cape Girardeau County line near the western boundary to Cape Girardeau County, thence in a southerly direction through Advance, Bloomfield, Dexter and Bernie to the Stoddard-Dunklin County line. Beginning at the Bollinger-Stoddard County line near Puxico, thence southwardly to a point below Puxico. Beginning at the Bollinger-Stoddard County line, thence southeast to Advance.

Stone County--Beginning at the Lawrence-Stone County line at the northwest corner of Stone County, thence southeast through Crane, Galena to Reed Springs, thence south to the Arkansas-Missouri state line at Blue Eye. Beginning on the above road just north of the Arkansas state line, thence in a northeasterly direction towards Hollister to the Taney-Stone County line. Beginning at the Stone-Christian County line, thence in a southeasterly direction to the Stone-Taney County line. From Galena east via Abesville to north and south state road from Ozark to Branson. From Galena west to Stone-Barry County line.

Sullivan County--Beginning at the Sullivan-Grundy County line near Galt, thence north and east through Humphrey, Reger and Milan, Green City and Greencastle to the Sullivan-Adair County line. Beginning at the Sullivan-Putnam County line, thence south and west through Milan to the Sullivan-Linn County line at Browning.

Taney County--Beginning at the Stone-Taney County line near the northwest corner of Taney County, thence southeast to Branson, thence south through Hollister to the Arkansas-Missouri state line. Beginning at the Stone-Taney County line, thence northeast to a point two and one-half miles south of Hollister. Beginning again at Branson, thence in an east and northerly direction to Forsyth, thence in a northwest and west direction to the Stone-Taney County line. From Forsyth northeast via Dickens, Taneyville, Bradleyville and Brown Branch to Taney-Douglas County line.

Texas County--Beginning at the Wright-Texas County line near Mountain Grove, thence east to Cabool, thence in a northeasterly direction to Houston, thence in an easterly and northerly direction through Licking to the Phelps-Texas County line north of Licking. Beginning at Licking, thence in a northeasterly direction to the Dent-Texas County line southwest of Ranger. Beginning on the state road east of Houston, thence in a southeasterly direction and southerly direction via Summerville to the Howell-Texas County line, near the southeast corner of Texas County. Beginning at



Houston, thence in a northwesterly direction via Plato to the Pulaski-Texas County line. Beginning at Cabool, thence in a southeasterly direction to the Howell-Texas County line northwest of Willow Springs.

Vernon County--Beginning at the Bates-Vernon County line south of Rich Hill, thence south through Arthur and Horton to Nevada and southeast through Milo and Sheldon to the Barton-Vernon County line. Beginning at the Missouri-Kansas state line, thence east through Deerfield and Nevada to the Cedar-Vernon County line west of El Dorado Springs.

Warren County--Beginning at the Warren-Montgomery County line near Jonesburg, thence south and east through Warrenton to the Warren-St. Charles County line. Beginning at the Warren-Lincoln County line, south of Hawk Point, thence south to Warrenton. Beginning at Warrenton, thence south and east through Marthasville and Dutzow to the Missouri River.

Washington County--Beginning at the Washington-Jefferson County line, thence southwest to Potosi, thence south and east through Caledonia to the Washington-Iron County line. Beginning at the Washington-Crawford County line, thence in an easterly direction to Potosi. Beginning at Caledonia, thence in a southeasterly direction to the Washington-St. Francois County line, approximately one mile west of Bismarck.

Wayne County--Beginning at the Wayne-Reynolds County line near the southern boundary of Reynolds County, thence east to Leeper, thence in a northerly direction to Piedmont, thence north and east through Sylvia to the Wayne-Bollinger County line. Beginning at the Wayne-Iron County line near Des Arc, thence south to Piedmont. Beginning at the Wayne-Madison County line near Coldwater, thence south through Coldwater, Sylvia and Greenville to the Wayne-Butler County line.

Webster County--Beginning at the Greene-Webster County line, thence northeast to Northview, thence to Marshfield, thence northeast and north via Niangua to the Laclede-Webster County line. Beginning at the Greene-Webster County line near Rogersville, thence east through Rogersville, Fordland, Diggins and Seymour to the Wright-Webster County line.

Worth County--Beginning at the Worth-Nodaway County line, east through Grant City and Allendale to the Worth-Harrison County line. Beginning at the Missouri-Iowa state line, connecting with the Iowa state primary road, thence south, approximately one-half mile east of Irena, thence south through Grant City and Worth, to the Worth-Gentry County line.

Wright County--Beginning at the Webster-Wright County line, thence east through Mansfield and Mountain Grove to the Texas-Wright County line. Beginning at Hartville, thence southwest through Mansfield to the Wright-Douglas County line. From Hartville northeast, via Grove Spring to Laclede-Wright County line.

Southern highway connection--Beginning at the Pettis-Morgan County line east of Smithton, thence in an easterly direction connecting with the east and west road in Moniteau County north of Tipton; provided, that the highways and transportation commission is authorized and empowered to designate the routes and types of the higher type roads of approximately one thousand five hundred miles connecting the principal population centers of the state, and to make such changes in the routes of said roads as it may deem necessary in the interest of economy and directness of routes, and is authorized to commence the construction of said higher type roads at such place or places on such routes as it may deem advisable; provided further, that no changes in designation shall increase the total mileage of the state highway system."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

## SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Bill No. 1017, Page 8, Section 227.020, Line 23, by adding at the end of said line, the following: "The City of St. Louis shall decrease it's collection on earnings tax by the amount of additional revenues going to the city under this section.".

Senator Ehlmann moved that the above amendment be adopted.

Senator DePasco assumed the Chair.

Senator Scott raised the point of order that **SA 1** to **SA 6** is out of order as it goes beyond the scope of the original legislation.

Senator Mathewson raised the point of order that **SA 6** is out of order as it goes beyond the scope of the original legislation.

The points of order were referred to the President Pro Tem, who ruled them well taken.

Senator Kenney offered **SA 7**:

## SENATE AMENDMENT NO. 7

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 53, by inserting after all of said line the following:

**"6. In addition to one half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles and motortricycles, which is distributed pursuant to subsection 2 of section 30(b) of article IV of the constitution of Missouri, effective July 1, 2001, the general assembly shall appropriate to the state road and bridge fund from the undesignated proceeds of such sales tax, the amount necessary for the payment of the principal and interest of any outstanding bonds issued pursuant to this section."**

Senator Kenney moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Howard assumed the Chair.

Senator Johnson assumed the Chair.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Kenney, Sims, Singleton and Steelman.

**SA 7** failed of adoption by the following vote:

	YEAS--Senators		
Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Maxwell
Rohrbach	Russell	Sims	Singleton
Stelman	Yeckel-- 14		
	NAYS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Goode
Howard	Jacob	Johnson	Mathewson
Mueller	Quick	Schneider	Scott
Stoll	Westfall	Wiggins-- 19	
	Absent--Senator Staples-- 1		

Senator Rohrbach offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 53, by adding after the end of said line the following:

"226.134. All projects funded by bonds authorized in section 226.133[, except for the initial twenty-five million dollars authorized in section 226.133,] shall be funded in conformity with the priorities established in the [fifteen-year] **1992** plan developed by the transportation department."; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 20, by inserting after "expenses." the following:

**"Contracted design shall not be considered an administrative expense, but shall not exceed seven percent of any project."**

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 1017**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 1049**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator House, Chairman of the Committee on Education, Senator Quick submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 748**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

**CONCURRENT RESOLUTIONS**

Senator Graves offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 35**

WHEREAS, the members of the Missouri General Assembly deem it fitting and proper to honor citizens who have served this state and have touched the lives of many individuals; and

WHEREAS, Hardin Charles Cox was born on March 4, 1928 in Rock Port, Missouri; and

WHEREAS, Hardin C. Cox was educated at Rock Port Public Schools and the University of Missouri-Columbia where he received a degree in business and public administration; and

WHEREAS, while attending the University of Missouri, Hardin C. Cox was a member of the football team and participated in the 1945 Cotton Bowl and the 1948 Gator Bowl games; and

WHEREAS, on January 6, 1952, Hardin C. Cox married Miss Virginia Ann Heifner and they have two sons, Charles and Mark; and

WHEREAS, Hardin C. Cox served the United States Army, Japan Occupational Force Signal Corps, 1946-1948 as a corporal and United States Artillery, United States Forces in Korea, 1952-1953 as a first lieutenant; and

WHEREAS, Hardin C. Cox served in the Missouri General Assembly as a Representative and a Senator; was elected to the Missouri House of Representatives in 1964 and served until 1972 and was elected to the Senate in 1974 and served until 1982; and

WHEREAS, Hardin C. Cox has owned and operated Cox and Son Insurance Agency and the Hardin Cox Real Estate, Farm Loan Agency since 1953:

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby join in honoring Hardin C. Cox, by designating the tourist information center located on interstate highway 29 in Atchison County as the "Hardin C. Cox Missouri Information Center"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Tourism.

## **RESOLUTIONS**

Senator Stoll offered Senate Resolution No. 1439, regarding Betty J. Franke, Festus, which was adopted.

Senator Clay offered Senate Resolution No. 1440, regarding U.S. Air Force Reserves Special Agent Craig M. Franklin, which was adopted.

Senator Staples offered Senate Resolution No. 1441, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Hazelwood, Washington, Illinois, which was adopted.

Senator Carter offered Senate Resolution No. 1442, regarding the Harmony Grand Chapter Order of the Eastern Star, which was adopted.

Senator Russell offered Senate Resolution No. 1443, regarding Bradley "Brad" Willard, Stoutland, which was adopted.

Senator Yeckel offered Senate Resolution No. 1444, regarding Ed Chard, Oakville, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Westfall introduced to the Senate, David and Justin Odell, Springfield; and Justin was made an honorary page.

Senator Klarich introduced to the Senate, Sheryl Miller and Girl Scout Troop 1776, Ballwin.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Sam Page, M.D., St. Louis.

Senator Graves introduced to the Senate, twenty-seven fourth grade students from Linn County R-1 School, Purdin.

Senator Graves introduced to the Senate, members of the Northwest Missouri State University Student Senate, Maryville.

Senator Carter introduced to the Senate, Tony Gee-Salter, St. Louis; and Tony was made an honorary page.

Senator Caskey introduced to the Senate, Dr. Shari Garber Bax, Fred Buckley, III, Mick Cronk, Cristalle Johnson, Tyler Kelley, Monica Ritter and Eric Stephenson, Warrensburg.

Senator Mathewson introduced to the Senate, Rich Cole, Amber Reddell, Aracely Arana and Serena Payne, Lexington; and Amber, Aracely and Serena were made honorary pages.

On behalf of Senator Carter and herself, Senator Sims introduced to the Senate, the Honorable Susan Bloch, St. Louis;

the Honorable Laura Denvir Stith, Kansas City; and the Honorable Jane Brown, Clay County.

Senator Staples introduced to the Senate, Irvine, Thomas and Theresa Rudasill, Karen Kleinberg, Kathy Schuch, Cindy Davidson, Diane White, Loraine Wegger, Gina Schuch and Tim Azinger, St. Francois County.

Senator Quick introduced to the Senate, Alex Henton, Nick Fehner, Jeff Cook, Josh Davis, Derek Schirmer and Richard Pawling, Clay County; and Alex, Nick, Jeff, Josh, Derek and Richard were made honorary pages.

Senator Yeckel introduced to the Senate, sixty fourth grade students from Crestwood Elementary School, St. Louis.

Senator Maxwell introduced to the Senate, thirty-four eleventh grade students from Knox County High School, Edina.

Senator Flotron introduced to the Senate, Jim, Jacky, Jeremy, Danielle, Julie and Bryan Nace, St. Louis County; and Jeremy, Julie and Bryan were made honorary pages.

Senator Kenney introduced to the Senate, Jim and Adam Dice, Raytown; and Adam was made an honorary page.

Senator Sims introduced to the Senate, Katie Kovaes, Emily Laycob, Leslie Sherman, Meira Sondov-Gold, Lorin Jaeger and Carolyn Jaeger, Ladue.

Senator Rohrbach introduced to the Senate, James Lawrence, Hudson, Ohio.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-SEVENTH DAY--THURSDAY, MARCH 30, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Faith cometh by hearing, and hearing by the Word of God." (Romans 10:17)

Heavenly Father, we conclude another week, grateful that we may have time this weekend with those we love. Grant that we may make good use of this time to hear the concerns of those who have missed us and to share our love for them. Grant us Your grace to enjoy and be thankful for the love we receive from those You have given us. And may we make time to hear Your word and may our hearts be attuned to Your voice forever. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schneider moved that **SR 1337** be taken up for adoption, which motion prevailed.

Senator Johnson assumed the Chair.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1337, Page 1, Rule 26, Line 10 of said rule, by inserting after said line the following:

"Section A. The change in the number of members appointed to standing committees required by Rule 26 shall apply to appointments made after December 31, 2000."

Senator DePasco moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Kenney, Klarich and Stoll.

President Pro Tem Quick assumed the Chair.

**SA 1** was adopted by the following vote:

YEAS--Senators				
Bentley	Bland	Carter	Caskey	
Childers	Clay	DePasco	Flotron	
Goode	Graves	House	Howard	
Jacob	Johnson	Kenney	Kinder	
Klarich	Maxwell	Mueller	Quick	
Rohrbach	Russell	Schneider	Scott	
Sims		Singleton	Staples	Steelman
Stoll		Westfall	Wiggins	Yeckel--32
NAYS--Senator Ehlmann--1				
Absent--Senators--None				
Absent with leave--Senator Mathewson--1				

Senator Mueller offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 1337, Page 1, second line from bottom by changing the number "nine" to "thirteen" on said line.

Senator Mueller moved that the above admendment be adopted.

Senator Flotron moved that **SA 2** be laid on the table, which motion failed.

**SA 2** was again taken up.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Schneider moved that **SR 1337**, as amended, be adopted, which motion failed by the following vote:

YEAS--Senators			
Clay	DePasco	House	Howard

Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Singleton	Staples
Stoll		Westfall	Wiggins--15
	NAYS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Ehlmann	Flotron	Goode
Graves	Jacob	Kenney	Kinder
Klarich	Russell	Sims	Steelman
Yeckel--17			
	Absent--Senator Johnson--1		
	Absent with leave--Senator Mathewson--1		

President Wilson assumed the Chair.

### SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 850** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Scott offered **SS** for **SB 850**, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE BILL NO. 850

An act to repeal section 334.128, RSMo 1994, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

Senator Scott moved that **SS** for **SB 850** be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SB 850** was declared perfected and ordered printed.

### REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 944**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1445, regarding Festus-Crystal City American Association of Retired Persons Chapter #4617, which was adopted.

Senator Klarich offered the following resolution:

#### SENATE RESOLUTION NO. 1446

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-sixth District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rules 3 and 101 be amended to read as



follows:

"Rule 3. The business of the senate shall be disposed of in the following order:

1. Reading Journal.

**2. Introduction of guests.**

[2.] **3.** Petitions, memorials and remonstrances.

[3.] **4.** Resolutions.

[4.] **5.** Concurrent Resolutions.

[5.] **6.** Introduction of bills.

[6.] **7.** Report of standing committees.

[7.] **8.** Report of select committees.

[8.] **9.** Second reading of Senate bills.

[9.] **10.** Messages from House.

[10.] **11.** First reading of House bills.

[11.] **12.** House bills on second reading.

[12.] **13.** Third reading of Senate bills.

[13.] **14.** Bills, reports and other bills on the table, including bills for perfection.

[14.] **15.** House bills on third reading.

[15.] **16.** Order of the day.

**17. Introduction of guests.**

[16.] **18.** Announcement of committee meetings, etc.

Rule 101. Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. **At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment."**

## **SENATE BILLS FOR PERFECTION**

Senator Goode moved that **SB 802**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 802**, as amended, was again taken up.

Senator Klarich offered **SA 2**:

### **SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 802, Page 9, Section 99.872, Line 20, by inserting after all of said line the following:

**"Section 1. Any district in any city not within a county, any county of the first classification with a population of**

more than nine hundred thousand, any county of the first classification with a population of more than one hundred seventy thousand and less than two hundred five thousand, any county of the third classification with a population of more than nineteen thousand five hundred and less than twenty thousand, any county of the first classification with a charter form of government and a population of less than two hundred fifty thousand according to the most recent federal decennial census and any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand according to the most recent federal decennial census providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **SB 802**, as amended, be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Goode, **SCS** for **SB 802**, as amended, was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SB 1049**, introduced by Senator Caskey, et al, entitled:

An Act to repeal sections 247.031 and 393.130, RSMo 1994, relating to charges for water service, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SB 1049** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay		Staples--2	
Absent with leave--Senators			
Johnson	Mathewson--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## REFERRALS

President Pro Tem Quick referred **SB 944** to the Committee on State Budget Control.

President Pro Tem Quick referred **SCR 35** to the Committee on Rules, Joint Rules and Resolutions.

## REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James E. Spain, Philip G. Conger and Sandra J. Donehue, as members of the Missouri Ethics Commission;

Also,

Owen D. Lunn, as a member of the Missouri Planning Council for Development Disabilities;

Also,

Robert G. Russell and E. Lenita Johnson, as members of the Central Missouri State University Board of Governors;

Also,

Audrey Robinson Jones, as a member of the Missouri Women's Council;

Also,

Charlene L. Jones, as a member of the Harris-Stowe State College Board of Regents;

Also,

Larry L. Deskins, as a member of the Regional Convention and Sports Complex Authority;

Also,

Ronald D. Boyer, as a member of the State Milk Board.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1085**, entitled:

An Act to repeal section 630.705, RSMo 1994, relating to standards for mental health facilities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1396**, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to certain representatives on college and university boards, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1097**, entitled:

An Act to repeal section 537.340, RSMo 1994, relating to trespass, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1289**, entitled:

An Act to repeal section 610.200, RSMo Supp. 1999, relating to law enforcement agency accident reports, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1848**, entitled:

An Act to repeal section 334.040, RSMo Supp. 1999, relating to examination of physicians and surgeons, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 1923**, entitled:

An Act to repeal section 173.239, RSMo Supp. 1999, relating to educational assistance for members of the Missouri national guard, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1875**, entitled:

An Act to repeal section 29.230, RSMo Supp. 1999, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1802**, entitled:

An Act to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1544**, entitled:

An Act to repeal section 355.661, RSMo 1994, relating to authorized distributions by not-for-profit corporations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1591**, entitled:

An Act to amend chapter 344, RSMo, relating to nursing home administrators by adding thereto one new section

relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1739**, entitled:

An Act to repeal section 376.300, RSMo Supp. 1999, relating to life insurance companies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1486**, entitled:

An Act to repeal section 163.191, RSMo 1994, relating to state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1509**, entitled:

An Act to repeal section 407.025, RSMo Supp. 1999, relating to unlawful merchandising practices, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1374**, entitled:

An Act to repeal section 455.205, RSMo Supp. 1999, relating to funding for domestic violence shelters, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1465**, entitled:

An Act to repeal section 302.160, RSMo 1994, and section 302.302, RSMo Supp. 1999, relating to motor vehicle drivers' licenses, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1172, 1501, 1633, 1440, 1634, 1177 and 1430**, entitled:

An Act to repeal sections 407.020 and 407.025, RSMo Supp. 1999, relating to telecommunications merchandising practices, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions and a contingent expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1706**, entitled:

An Act to repeal section 447.700, RSMo Supp. 1999, relating to eligible projects for brownfield remediation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1428**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to a permanent memorial for workers killed or injured on the job.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1604**, entitled:

An Act to amend chapter 226, RSMo, relating to the highways and transportation commission by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **INTRODUCTIONS OF GUESTS**

Senator Westfall introduced to the Senate, the Farm Bureau Youth Leadership Group from Greene and Lawrence Counties.

Senator Klarich introduced to the Senate, Jonathan F. Dalton, Jr., St. Louis; and Jonathan was made an honorary page.

Senator Kinder introduced to the Senate, Erwin Karsel, Susan Kline and John Hoeckle, Perryville; and Melissa Schmidt, Frohna.

Senator Klarich introduced to the Senate, Paul Alt, Pacific; Donna Koch, Washington; LaTisha Gist, Union; Brittney Kaase and Dennis and Dorothy Segelhorst, Beaufort; and Jake Emby and Jeremy Hoch, Leslie.

Senator Yeckel introduced to the Senate, fifty-five students and ten adults from St. Catherine Laboure School, St. Louis; and Kim Everding, Tony Frankenberg, Laura Kohnen and John Sandroni were made honorary pages.

Senator Russell introduced to the Senate, Doyle Nelson, Greg Hardison, Luke Charleton and Travis Elliott, Dallas County.

Senator Rohrbach introduced to the Senate, Joyce Rohrbach, Shannon Diehl, Michelle Dick, Jennifer Kempfer, Claudia Burlingame, Rachel Rohrbach, Rebecca Frohmuth and Heidi Eshenbrenner, Moniteau County.

Senator Howard introduced to the Senate, John Barham and John Cooper, Poplar Bluff.

Senator Staples introduced to the Senate, Christina Mattingly, Heather Nicholson, Karen Detring and Casey Ferguson.

Senator Westfall introduced to the Senate, Jill Dryer, Cindy Wilson, Kevin Proctor, Kent McNeely, Jake Agee and Larry Drake, members of the Polk County Farm Bureau Youth Leadership.

Senator Singleton introduced to the Senate, Greg Ulmer and Zeb Royle, Carl Junction.

Senator Yeckel introduced to the Senate, Kathy Youngbauer, Karen Yost and fifteen fourth grade members of Cub Scouts, Webelos Den 5 and Den 9, Pack 267 from Beasley School, St. Louis.

Senator House introduced to the Senate, Jason Davis, Pendleton; Diana Hoette and Gina Korman, Montgomery City; Jennifer Lauer, Big Spring; Adam Uthlaut, New Florence; and Jayne Glosemeyer, Marthasville.

Senator Childers introduced to the Senate, Scott and Levi McWilliams, Brandi Hamby, Scott Foster and Shana Eck, Howell County.

Senator Russell introduced to the Senate, Jacque Samuelson, Carol Harper, Dusty Bartee and Codi Calvert, Camdenton; Peggy Parrack, Macks Creek; and Lindsay Meador, Lebanon.

Senator Graves introduced to the Senate, Richard Fordyce, Gary Hill and members of the Harrison County Farm Bureau Youth Leadership Group.

Senator Maxwell introduced to the Senate, Rachael Cope, Jeffrey Schafer, Randee Pease, Brian Deimeke, Deanna Aulbur, Leah Stafford and

Jeff Fennewald, Laddonia.



Senator Stoll introduced to the Senate, Cooper Tucker and members of the Festus Middle School National Junior Honor Society.

Senator Childers introduced to the Senate, Rebecca Ramsey, Nathan Waddell, Jeff and Carla Ramsey and Nancy Waddell, West Plains.

On behalf of Senator Johnson, Senator DePasco introduced to the Senate, Jay Sherrod, Jonathan Eastbourn, Trevor Cassity and Mark Pierce, DeKalb; Kyle Pierce and Brian Burnett, Faucett; and Camie Binder and Amy Cornelius, St. Joseph.

Senator Jacob introduced to the Senate, the Physician of the Day, Christy Tharenos, M.D., Columbia.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, April 3, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-EIGHTH DAY--MONDAY, APRIL 3, 2000**

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Calvin Coolidge once observed: "One with the law is a majority."

Gracious God, thank You for watching over our travels and bringing us safely back to our place of service and ministry. Help us never to underestimate the little things of life; for You, Oh Lord, use little things to confound the wise. Help us, we pray, to be faithful to the little things of life, for they wield tremendous power. And help us to see that You can use every citizen for service here in this state, for each of us is loved and important to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 30, 2000, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Bland	Kinder	Stoll--3	
The Lieutenant Governor was present.			

## RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1447, regarding William R. "Billy" Brown, Blue Springs, which was adopted.

Senator Scott offered Senate Resolution No. 1448, regarding Slay Transportation Co., Inc., which was adopted.

Senator Westfall offered Senate Resolution No. 1449, regarding the death of W. H. Hood, Pleasant Hope, which was adopted.

Senator Maxwell offered Senate Resolution No. 1450, regarding Dr. William K. Ray, Columbia, which was adopted.

Senators Clay, Bland, House, Jacob, Mathewson and Maxwell offered Senate Resolution No. 1451, regarding Robert A. Georgine, Silver Spring, Maryland, which was adopted.

Senator Kenney offered Senate Resolution No. 1452, regarding Ryan Joseph Zupon, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1453, regarding Adam Joseph Zolnowski, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1454, regarding Michael Anthony Yasso, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1455, regarding Dominic Neal Maschler, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1456, regarding Joseph Yasso, D.O., Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1457, regarding Michael Peterson, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1458, regarding Brooking Heights Baptist Church, Raytown, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1459, regarding Ryan Luetkenhaus, St. Peters, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1460, regarding Carla H. Pund, Wentzville, which was adopted.

Senator Wiggins offered Senate Resolution No. 1461, regarding the death of John Justin Williams, which was adopted.

Senator Klarich moved that **SR 1446** be taken up for adoption, which motion prevailed.

On motion of Senator Klarich, **SR 1446** was adopted by the following vote:

YEAS--Senators			
Carter	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Wiggins	Yeckel--26		
NAYS--Senators			
Graves	Howard	Westfall--3	
Absent--Senator Bentley-- 1			
Absent with leave--Senators			
Bland	Kinder	Schneider	Stoll--4

Senator Wiggins assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 850**; **SCS** for **SB 802**; and **SB 1017**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

President Wilson assumed the Chair.

### SENATE BILLS FOR PERFECTION

**SB 744** was placed on the Informal Calendar.

Senator Johnson moved that **SB 957**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 957**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 957

An Act to repeal sections 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo 1994, and section 205.968, RSMo Supp. 1999, relating to sheltered workshops, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson moved that **SCS** for **SB 957** be adopted.

Senator Carter offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 957, Page 2, Section 205.968, Line 42, by striking the opening bracket "["; and

Further amend said bill, Page 3, Section 205.968, Lines 53-67, by striking all of said lines and inserting in lieu thereof the following: "disability".

Senator Carter moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 957, Page 5, Section 205.971, Line 1, by inserting immediately after the numeral "205.971." the following: "**1.**"; and

Further amend said bill, Page 6, Section 205.971, Line 25, by inserting after all of said line the following:

**"2. Subject to the provisions in this subsection, all funds must be spent in the manner in which the ballot language imposing the tax specifies. If the board wishes to alter the expenditure of funds from that which is authorized by the ballot language, then such question shall be submitted to the voters without a change in the existing tax."**

Senator Singleton moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 957, Page 1, Lines 8-11, by striking all of the sentence beginning on line 8, and further amend by adding in lieu thereof the following:

**"If the board wishes to provide new services authorized by this act it shall submit the question to the voters along with a tax increase to meet the requirements of those new services."**

Senator Caskey moved that the above amendment be adopted.

Senator Flotron requested a roll call vote be taken on the adoption of **SA 1** to **SA 2** and was joined in his request by Senators Childers, Caskey, Singleton and Westfall.

**SA 1** to **SA 2** failed of adoption by the following vote:

	YEAS--Senators		
Caskey	Childers	Howard	Mueller
Russell	Singleton	Westfall--7	
	NAYS--Senators		
Bentley	Carter	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Scott	Sims	Staples	Steelman
Wiggins	Yeckel--22		
	Absent--Senator Clay--1		
	Absent with leave--Senators		
Bland	Kinder	Schneider	Stoll--4

At the request of Senator Johnson, **SB 957**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Caskey moved that **SB 925**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 925**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 925

An Act to amend chapter 620, RSMo, by adding thereto four new sections relating to the Missouri agricultural advocates office.

Was taken up.

Senator Caskey moved that **SCS** for **SB 925** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 925, Page 2, Section 620.1336, Line 4, by striking the words "seven additional members" and inserting in lieu thereof the following: **"one additional member from each of the**

**associations which compose the council"; and further amend line 5, by inserting at the end of said line the following: ", each of whom shall be a member of one of the associations,"; and**

Further amend said bill and section, page 3, line 33, by striking the word "and"; and further amend line 35, by inserting immediately after the word "producers" the following: ";

**(13) An association which represents the statewide interests of the equine industry;**

**(14) An association which represents the general statewide interests of the agricultural industry; and**

**(15) An association which represents the general statewide interests of the agricultural banking interests".**

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 925, Page 3, Section 2, Line 30, by deleting all of said lines 30 and 31; and

Further renumber the remaining subsections accordingly.

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Wiggins assumed the Chair.

At the request of Senator Caskey, **SB 925**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

#### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1737**--Insurance and Housing.

**HB 1085**--Aging, Families and Mental Health.

**HB 1396**--Education.

**HB 1097**--Civil and Criminal Jurisprudence.

**HB 1289**--Civil and Criminal Jurisprudence.

**HB 1848**--Public Health and Welfare.

**HB 1923**--Education.

**HB 1875**--Financial and Governmental Organization.

**HB 1802**--Financial and Governmental Organization.

**HB 1544**--Insurance and Housing.

**HB 1591**--Aging, Families and Mental Health.

**HB 1739**--Insurance and Housing.

**HB 1486**--Pensions and General Laws.

**HB 1509**--Civil and Criminal Jurisprudence.

**HB 1374**--Ways and Means.

**HB 1465**--Civil and Criminal Jurisprudence.

**HS** for **HCS** for **HBs 1172, 1501, 1633, 1440, 1634, 1177** and **1430**--Aging, Families and Mental Health.

**HB 1706**--Financial and Governmental Organization.

**HB 1428**--Labor and Industrial Relations.

**HB 1604**--Agriculture, Conservation, Parks and Tourism.

## **MESSAGES FROM THE GOVERNOR**

The following message was received from the governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 1, 2000 for your advice and consent:

Bayla M. Myer, Ph.D., Republican, 14144 Ladue Road, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until her successor is duly appointed and qualified; vice, Glenda Bryant, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nanci Anton Bobrow, Ph.D., 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2000, and until her successor is duly appointed and qualified; vice, Richard C. Goldberg, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Maureen M. Buscher, Republican, 15 Cedar Trail, Warrenton, Warren County, Missouri 63383, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Conny Dover, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jean M. Dudgeon, Republican, 421 South Cottage Grove, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Barbara Westhues, term expired.

Respectfully submitted,



MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Loretto A. Durham, 1017 Wilmington Drive, St. Charles, St. Charles County, Missouri 63301, as a member of the Missouri State Committee of Interpreters, for a term ending October 30, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John J. Ebeling, Democrat, 1208 Iron Warrior Lane, Manchester, St. Louis County, Missouri 63011, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until his successor is duly appointed and qualified; vice, Robert O. Kortkamp, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry G. Guier, Republican, 12240 Highway 127, Sweet Springs, Pettis County, Missouri 65351, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until his successor is duly appointed and qualified; vice, Linda Beckmeyer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James L. Hill, Democrat, Rural Route 1 Box 443, Ellington, Reynolds County, Missouri 63638, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until his successor is duly appointed and qualified; vice, Cheryl Ann Fanning, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Yetta B. Kilgore, Democrat, 819 University Place, St. Louis City, Missouri 63132, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Maria-Alma Rainey Copeland, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John R. Lowry, P.T., 19565 Farm Road 1090, Monett, Lawrence County, Missouri 65806, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2001, and until his successor is duly appointed and qualified; vice, Alverne Fiddmont-Hood, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Phyllis Woollen Markus, Democrat, 8333 Kingsbury Square, St. Louis, St. Louis County, Missouri 63105, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Ann Ross, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Margaret J. May, Democrat, 434 East Meyer Boulevard, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Daniel D. Sawyer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carrie L. McCray, 305 Fulton Road, Mokane, Callaway County, Missouri 65059, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2001, and until her successor is duly appointed and qualified; vice, Lori Knabe, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert C. Mueller, Republican, 6 Arrowhead Estate Lane, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until his successor is duly appointed and qualified; vice, Jerry L. Leath, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anitra L. Nevels, 1362 Timothyridge Drive, St. Charles, St. Charles County, Missouri 63304, as a public member of the Advisory Commission for Physician Assistants, for a term ending March 27, 2003, and until her successor is duly appointed and qualified; vice, Trina Fleming, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph M. Ojile, M.D., 9616 Geyer Road, St. Louis City, Missouri 63127, as a member of the Advisory Commission for Physician Assistants, for a term ending March 27, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bernard A. Orman, Jr., 504 Wren Court, Macon, Macon County, Missouri 63552, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, Rosa L. Miller, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rhonda K. Stockton, Republican, 1412 Maple Ridge, Cassville, Barry County, Missouri 65625, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, M. Teresa Hupp, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan M. Abdel-Rahman, Pharm. D., 43 East 52nd Street, Kansas City, Jackson County, Missouri 64112, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until her successor is duly appointed and qualified; vice, Theresa Prosser, Ph.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Louise Bussabarger, 1914 Princeton Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Fund

Board of Trustees, for a term ending December 7, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harold D. Cleberg, 1305 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending December 7, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennifer Cordes-Rich, 922 Audubon, Clayton, St. Louis County, Missouri 63105, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until her successor is duly appointed and qualified; vice, Kenneth Michel, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,



OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Elise Crain, Republican, 305 South Sixth Avenue, Ozark, Christian County, Missouri 65721, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha A. Gragg, Republican, Rural Route 2, Post Office Box 167, Milan, Sullivan County, Missouri 63556, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger L. Gregory, Democrat, 2418 Kleager Road, Cuba, Gasconade County, Missouri 65453, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2000, and until his successor is duly appointed and qualified; vice, Sam Gill, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Louis P. Hamilton, Democrat, 5228 Westminster Place, St. Louis City, Missouri 63108, as a member of the Tourism Commission, for a term ending January 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosemary G. Hogan, Democrat, 2609 Chapel Wood Terrace, Columbia, Boone County, Missouri 65203, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sherry F. Hooper, 5822 Elm Avenue, Raytown, Jackson County, Missouri 64133, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 2000, and until her successor is duly appointed and qualified; vice, Chris Wilt, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William Craig Hosmer, Democrat, 657 South Weller, Springfield, Greene County, Missouri 65802, as a member of the Missouri Community Service Commission, for a term ending August 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall D. Huss, M.D., 15655 County Road 5190, Rolla, Phelps County, Missouri 65401, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel R. Keller, Republican, 4310 North Holly, Kansas City, Jackson County, Missouri 64116, as a member of the Tourism Commission, for a term ending January 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheryl L. Maxwell, Democrat, 400 East Benton, Post Office Box 49, Lilbourn, New Madrid County, Missouri 63862, as a member of the Missouri Community Service Commission, for a term ending January 15, 2001, and until her successor is duly appointed and qualified; vice, Dr. Dixie A.

Kohn, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Byron McCallum, 8729 Crescent, Kansas City, Jackson County, Missouri 64138, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Elaine Paxton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John J. McNerney, Democrat, 3637 North Main, Kansas City, Jackson County, Missouri 64116, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, Dan Ottoline, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald J. Miller, CRT, Republican, 802 East Meadow Lane, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2002, and until his successor is duly appointed and qualified; vice, Scott Wren, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan W. Nall, 7612 Walinca Terrace, St. Louis, St. Louis County, Missouri 63105, as a public member of the Video Instructional Development Education Opportunity Fund, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Stuart M. Landrum, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debra L. Snoke, Republican, 12015 Northeast 134th Terrace, Kearney, Clay County, Missouri 64060, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cleatus S. Stanfill, Democrat, 2905 Willow Street, Caruthersville, Pemiscot County, Missouri 63830, as a member of the Mississippi River Parkway Commission, for a term ending April 14, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald J. Zafft, 10498 Frontenac Woods Lane, St. Louis, St. Louis County, Missouri 63131, as a member of the Missouri Family Trust Fund Board of Trustees, for a term ending October 25, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1568**, entitled:

An Act to repeal section 210.030, RSMo Supp. 1999, relating to blood tests of pregnant women, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1596**, entitled:

An Act to amend chapter 375, RSMo, relating to insurance companies by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1948**, entitled:

An Act to repeal section 304.180, RSMo 1994, and sections 301.010 and 304.200, RSMo Supp. 1999, relating to traffic regulations, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1077**, entitled:

An Act to repeal section 89.142, RSMo Supp. 1999, relating to peripheral zoning for certain cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and



passed **HB 1808**, entitled:

An Act to repeal sections 87.120 and 87.176, RSMo 1994, relating to firemen's retirement and relief systems, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1647**, entitled:

An Act to amend chapter 77, RSMo, relating to third class cities, by adding thereto one new section relating to capital improvement reserve funds in third class cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## COMMUNICATIONS

President Pro Tem Quick submitted the following:

March 30, 2000

The Honorable Betty Sims

Missouri Senate

State Capitol, Room 226

Jefferson City, MO 65101

Dear Senator Sims:

Pursuant to Section 197.310, it is my pleasure to hereby appoint you to the Missouri Health Facilities Review Committee. Your appointment fills the vacancy on the committee which was created by the resignation of Senator Anita Yeckel.

Your willingness to serve the people of Missouri on this important committee is appreciated. If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed

Edward E. Quick

President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Billy Gautsch, Jamestown.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FORTY-NINTH DAY--TUESDAY, APRIL 4, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"God has not given us the spirit of fear, but of power, and of love, and of a sound mind." (2 Timothy 1:7)

O God, King of the Universe, help us to see that there is nothing mutually exclusive about using our hearts and using our heads. We know that there have been times we have thrown good judgment to the winds - all in the name of what we have chosen to call heavenly love. Help us to strive for a balance between boldness and love - between power and wise discretion. Help us to demonstrate the "sanity of saintliness" and let not our heads, our hearts nor our hands offend against You or Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

**Present--Senators**

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Childers offered Senate Resolution No. 1462, regarding Nathaniel Gene "Nathan" Stoll, Branson, which was adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1463

WHEREAS, the Honorable Sharon Burkhardt has held the office of Mayor of the City of Des Peres, Missouri, since 1992 after a two-year-long stint as a member of the Board of Aldermen; and

WHEREAS, Mayor Burkhardt will be honored on the occasion of her retirement at a reception on Monday, April 24, 2000, in appreciation of her stellar endeavors which have proven to be of great value to the City's growth and vitality; and

WHEREAS, during her tenure as Mayor, Sharon Burkhardt completed the planning for the \$300 million redevelopment of West County Shopping Center, assisted in the improvements of Dougherty Ferry Road and Manchester, oversaw the construction of the Des Peres Department of Public Safety Building, placed Phantom Forest and Bittersweet Woods as natural woodlands under the Department of Conservation Urban Wildacres Program, gained legislative and voter approval of a half-cent capital improvement sales tax for the City, negotiated and lobbied for the 1994 sales tax compromise which resulted in revenue sharing with St. Louis County, successfully annexed six neighborhoods in which nearly 1,000 new residents joined Des Peres, developed Sugar Creek Park, beautified Manchester Road through the concept of Des Peres Corners landscaping enhancements at major intersections, and first broached the concept of urban sprawl through opposition to the Page Avenue Extension; and

WHEREAS, Mayor Burkhardt has compiled an exemplary history of endeavors with the County Municipal League, East-West Gateway Coordinating Council, Missouri Municipal League, Cities for Growth, St. Louis chapter of the PEO, Kathy Wyman Shelter for Abused Women, St. Paul Lutheran Church, Dougherty Lake Subdivision, Chaminade Mothers Club, Des Peres Rotary Club, Kirkwood Area Chamber of Commerce, and the Junior League of St. Louis; and

WHEREAS, Mayor Burkhardt's appreciation of life, dedication to family, and love and respect for her fellow man can best be understood by the handling of her fight with leukemia; and

WHEREAS, while undergoing treatment for leukemia, Mayor Burkhardt coordinated the largest single-day bone marrow testing drive by the Heart of America Bone Marrow Registry raising \$40,000; and

WHEREAS, the drive did not directly benefit Mayor Burkhardt but did provide for several marrow matches for other victims of leukemia:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the very impressive and effective labors of Sharon Burkhardt and to extend to her this legislative body's best wishes for a future filled with just as many challenges and accomplishments as she enjoyed during her tenure as Mayor of the City of Des Peres; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for retiring Mayor Sharon Burkhardt of Des Peres.

### THIRD READING OF SENATE BILLS

**SS** for **SB 850**, introduced by Senator Scott, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE BILL NO. 850

An Act to repeal section 334.128, RSMo 1994, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

President Wilson assumed the Chair.

On motion of Senator Scott, **SS** for **SB 850** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Ehlmann--1			
Absent--Senators--None			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that the motion lay on the table, which motion prevailed.

**SCS** for **SB 802**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 802

An Act to repeal section 99.805, RSMo Supp. 1999, relating to tax increment financing, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

Was taken up by Senator Goode.

Senator Staples assumed the Chair.

On motion of Senator Goode, **SCS** for **SB 802** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll		Westfall	Wiggins--27
NAYS--Senators			
Caskey	Flotron	Howard	Mueller
Sims	Yeckel--6		
Absent--Senators--None			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 772** be taken up for perfection, which motion prevailed.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 772, Page 6, Section 8.896, Line 17, by inserting immediately after the word "proposal" the following:

**". In evaluating the cost proposals, the low bidder shall be awarded the total number of points assigned to be awarded in phase III. For all other bidders, cost points will be calculated by reducing the maximum points available in phase III by two percent or more for each percentage point of the low bid by which the bidder exceeds the low bid".**

Senator Goode moved that the above amendment be adopted, which motioned prevailed.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 772, Page 7, Section 327.395, Line 1, by inserting before all of said line the following:

"144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for:

(1) A county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

(2) An organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or

(3) Any institution of higher education supported by public funds or any private not for profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or

(4) Any private not for profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or

**(5) Any department or agency of the state**, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption

certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

- (1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;
- (2) The project location, description, and unique identification number;
- (3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;
- (4) The estimated project completion date; and
- (5) The certificate expiration date. Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 772, Page 3, Section 8.878, Line 33, by adding after said line the following:

"5. The provisions of Section 290.210 to 290.340 shall be excluded from any design-build contract provided pursuant to this Act."

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Kenney, Mueller and Westfall.

**SA 3** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Staples	Westfall--15	
NAYS--Senators			
Carter	Caskey	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Schneider
Steelman	Stoll	Wiggins	Yeckel--16
Absent--Senators			
Clay		Scott--2	
Absent with leave--Senator Bland--1			

Senator Wiggins assumed the Chair.

At the request of Senator Goode, **SB 772** was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1841**, entitled:

An Act to amend chapter 263, RSMo, relating to insect pests and weeds by adding thereto one new section relating to noxious weeds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

### SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 610** with **SA 3** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 3** was again taken up.



Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 35, by inserting immediately after said line the following:

"4. Notwithstanding the provisions of 307.178 RSMo Supp. 1999, all operators of motorcycles and motor tricycles shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 610**, as amended, was declared perfected and ordered printed.

Senator Schneider moved that **SB 678** and **SB 742** with **SCS, SS** for **SCS, SA7, SSA 1** for **SA 7, SA 2** to **SSA 1** for **SA7** and point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Johnson assumed the Chair.

President Pro Tem Quick ruled the pending point of order well taken.

**SSA1** for **SA7** was again taken up.

At the request of Senator Singleton, the above substitute amendment was withdrawn.

Senator Singleton offered **SSA2** for **SA7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO.7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 39, Section 537.675, Line 22, by striking the word "shall" and inserting "may" and further after the word "of" insert "up to".

Senator Singleton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 32, Section 514.440, Line 12 of said page, by inserting immediately after said line the following:

"516.097. 1. Any action to recover damages for **economic loss**, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property, including any action for contribution or indemnity for damages sustained on account of the defect or unsafe condition, shall be commenced within ten years of the date on which [any] such improvement is **substantially** completed.

2. This section shall only apply to actions against any person whose sole connection with the improvement is performing or furnishing, in whole or in part, the design, planning or construction, including architectural, engineering or construction services, of the improvement.

3. If any action is commenced against any person specified by subsection 2[, any] **of this section**, such person may,

within one year of the date of the filing of such [an] action, notwithstanding the provisions of subsection 1 **of this section**, commence an action or a third party action for contribution or indemnity for damages sustained or claimed in any action because of **economic loss**, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property.

4. This section shall not apply [if]:

(1) An action is barred by another provision of law;

(2) **If** a person conceals any defect or deficiency in the design, planning or construction, including architectural, engineering or construction services, in an improvement for real property, if the defect or deficiency so concealed directly results in the defective or unsafe condition for which the action is brought;

(3) [The] **To limit any** action [is] brought against any owner or possessor of real estate or improvements [thereon] **on such real estate**.

5. The statute of limitation for buildings completed on August 13, 1976, shall begin to run on August 13, 1976, and shall be for the time specified [herein] **in this section**.

**6. For the purposes of this section, the term "substantially completed" means that construction has progressed to the point that the building, facility, structure or improvement can be put to the use for which it was intended, even though comparatively minor items remain to be furnished or performed in order to conform to the plans and specifications for the completed building, facility, structure or improvement, which minor items do not prevent occupancy or use of the building, facility, structure or improvement. Certificate of substantial completion issued by a design professional or a temporary certificate of occupancy by a public official shall be evidence of substantial completion.";** and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the original bill.

At the request of Senator Mueller, **SA 8** was withdrawn rendering the point of order moot.

Senator Rohrbach offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 54, Section 550.120, Line 19 from the top of the page, by inserting immediately at the end of said line the following:

"565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

**(1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded; or**

[~~(1)~~] **(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or**

[~~(2)~~ If the trier does not find that the evidence in aggravation of punishment, including but not limited to evidence supporting the statutory aggravating circumstances listed in subsection 2 of section 565.032, warrants imposing the death sentence; or]

**(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or**

**(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed. If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.**

**5. Upon written agreement of the parties and with leave of court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have this issue submitted to the tier of fact as provided in subsection 4 of this section.**

**6. As used in this section, the terms mental retardation or mentally retarded refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with related deficits and limitations in adaptive behavior such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which condition is manifested and documented before eighteen years of age.**

**7. The provisions of this section shall govern offenses committed on or after August 28, 2000."; and**

Further amend the title, enacting clause and intersectional references accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 9** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Schneider offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 11, Section 196.790, Line 11 of said page, by inserting after all of said line the following:

"302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536, RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided by the judge sitting without a jury. The presiding judge of the circuit court may assign a [traffic judge, pursuant to section 479.500, RSMo 1994, a] circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license."; and

Further amend said bill, Page 26, Section 455.205, Line 21 of said page, by inserting after all of said line the following:

"479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010, RSMo, which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. [These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309, 302.311, 302.535 and 302.750, RSMo.]

4. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

5. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

6. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. No term of imprisonment or confinement may be assessed by a traffic judge. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

7. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

8. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.

9. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

10. All costs to establish and operate a county municipal court under section 66.010, RSMo, and this section shall be borne by such county."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senators Schneider and Ehlmann offered **SA 11**:

## SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 26, Line 22, by inserting before all of said line the following:

"482.305. When sitting as a small claims court, the judge shall have original jurisdiction of all civil cases, whether tort or contract, where the amount in controversy does not exceed [three] **five** thousand dollars, exclusive of interest or costs, or as provided in this chapter." and further amend title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 12**:

## SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 22, Section 455.205, Line 17, by inserting after all of said line the following:

**"455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

- (1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;**
- (2) One judge of a family court, who shall be appointed by the chief justice of the supreme court; and**
- (3) Nine members of the general public, one from each congressional district and no more than five from one political party.**

**All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.**

**3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.**

**4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.**

**5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.**

**6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**455.305. 1. Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:**

- (1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;**
- (2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;**
- (3) To provide treatment and counseling to victims of domestic violence; and**
- (4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.**

**2. Funding for the pilot programs shall be subject to appropriation.**

**3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year."; and**

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 12** is out of order as the amendment goes beyond the scope and purpose of the original bill.

At the request of Senator Kenney, **SA 12** was withdrawn, rendering the point of order moot.

Senator Ehlmann offered **SA 13:SENATE AMENDMENT NO. 13**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 29, Section 487.030, Line 16 of said page, by inserting after all of said line the following:

**"512.180. 1. [Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases where the petition claims damages not to exceed five thousand dollars.**

**2.] In all [other] contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate [appellate] **district of the court of appeals**. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.**

**2. Appeals to the court of appeals or to the supreme court of decisions rendered in civil cases tried before associate circuit judges shall be governed by the same rules applicable to appeals from judgments rendered by circuit judges.";** and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rohrbach offered **SA 14:**

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 27, Section 482.330, Line 21, by inserting after all of said line the following:

"483.310. 1. Whenever any funds other than court costs collected and disbursed pursuant to subsection 2 of section 488.012, RSMo, are paid into the registry of any circuit court [and the court determines, upon its own finding or after application by one of the parties, that such funds can be reasonably expected to remain on deposit for a period sufficient to provide income through investment, the court may make an order directing] the clerk [to] **shall** deposit such funds [as are described in the order] in savings deposits in banks, savings and loan associations, credit unions, or in United States treasury bills and invest funds only in investments permitted by the state treasurer in article IV, section 15 of the Missouri Constitution. Deposits of such funds in any bank or savings and loan association shall not exceed the limits of the federal deposit insurance on accounts in such institution. Additional deposits in excess of FDIC, FSLIC and NCUSIF shall be secured by government securities or in accordance with the state treasurer's investment requirements in article IV, section 15 of the Missouri Constitution. All such accounts shall be in the name of the "Clerk of the ..... Court as Trustee in ..... (Style and Cause Number)", the exact name to be prescribed in the court's order. The court may prescribe a bond or other guarantee for the security of the fund. Necessary costs, including reasonable costs for administering the investment, may be paid from the income received from the investment of the trust fund. The net income so derived shall be added to and become a part of the principal.

[2. In the absence of such an application by one of the parties within sixty days from the payment of such funds into the registry of the court, the clerk of the court may invest funds placed in the registry of the court in savings deposits in banks, credit unions or savings and loan associations carrying federal deposit insurance to the extent of the insurance or in United States treasury bills and invest funds only in investments permitted the state treasurer in article IV, section 15 of the Missouri Constitution and the income derived therefrom may be used by the clerk for paying the premiums on bonds of employees of the clerk, rent on safety deposit boxes, subscriptions on publications available pursuant to section 477.235, RSMo, books and publications of the Missouri Bar and books and other publications and materials published by the state of Missouri, printing of pamphlets or booklets of the rules adopted by the court or clerk and forms used in the court which comply with the statutes of the state of Missouri and the rules of the supreme court, copies of which shall be distributed to litigants and members of the bar practicing in the court, and other expenditures of the circuit clerk's office, and the balance, if any, shall be paid into the general revenue fund of the county, except that when provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk by the court, such income may also be used for any expenditures of the court other than expenditures for travel or entertainment. If any application for the investment of such funds is filed by one of the parties after sixty days, an order may be entered providing for investment of funds as provided in subsection 1 of this section, and the clerk shall thereupon reinvest such funds within a reasonable time thereafter in accordance with the order.]

2. [3.] As used in this section and section 483.312, the term "clerk" shall mean the circuit clerk with respect to funds in those cases for which the circuit clerk is responsible for collecting court costs as provided in section 483.550 and shall also mean those clerks who are designated by or pursuant to section 483.550 to collect court costs with respect to funds in those cases for which they are so made responsible for collecting court costs.

3. [4.] If a clerk is charged by a court with collecting any moneys which are not court costs as defined by sections



488.010 to 488.020, RSMo, the clerk may use any of the procedures provided by sections 488.010 to 488.020, RSMo, to collect such funds, if not paid as ordered by the court.

4. [5.] The clerk may deposit funds in depository institutions and invest funds only in investments permitted by the state treasurer in article IV, section 15 of the Missouri Constitution."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered SA 15:

#### SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 53, Section 537.693, Line 6 of said page, by inserting after all of said line the following:

**"537.780. 1. Notwithstanding the provisions of any other law, any person convicted and subsequently imprisoned for one or more crimes which he did not commit may, under the conditions hereinafter provided, bring a suit for damages in circuit court against the state of Missouri.**

**2. The person, hereinafter referred to as the "claimant", shall establish the following by clear and convincing evidence:**

**(1) That he was convicted of a crime and subsequently sentenced to a term of imprisonment, served all or any part of his sentence;**

**(2) He did not commit the crime for which he was convicted;**

**(3) He did not by his own conduct cause or bring about his conviction; and**

**(4) If alleged, that the wrongful imprisonment was the result of any intentional wrongdoing by an individual law enforcement officer or prosecuting attorney.**

**3. The suit, accompanied by a statement of the facts concerning the claim for damages, verified in the manner provided for the verification of complaints in civil actions, shall be brought by the claimant within a period of two years after his release from imprisonment, or after the grant of a pardon to him; provided, however, that any eligible claimant released or pardoned during the five-year period prior to the effective date of this section shall have two years to file a suit.**

**4. (1) Damages awarded pursuant to this section shall not exceed twice the amount of the claimant's income in the year prior to his incarceration or twenty thousand dollars for each year of incarceration, whichever is greater.**

**(2) In addition to the damages awarded pursuant to subdivision (1) of this subsection, the claimant shall be entitled to receive reasonable attorney fees.**

**5. (1) A person serving a term of imprisonment for a crime other than a crime of which the person was mistakenly convicted shall not be eligible to file a claim for damages pursuant to the provisions of this section.**

**(2) A person shall not be eligible to file a claim for damages pursuant to this section if the person:**

**(a) Is or was serving a sentence concurrently with the sentence for the crime of which the person was wrongfully convicted; and**

**(b) The sentence being served concurrently is not related to the crime of which such person was wrongfully**

convicted.

As used in this subdivision, a sentence is related to the crime for which the person is wrongfully convicted if it is imposed as a result of a probation or parole violation based on the same incident giving rise to the wrongful conviction.

6. In any action where the claimant alleges intentional wrongdoing, the court, unless otherwise agreed by all the parties, shall instruct the jury to apportion fault among such persons and parties, or the court, if there is no jury, shall make findings, indicating the percentage of total fault of all the parties to each claim that is allocated to each party or person. The court shall determine the award of damages to each plaintiff in accordance with the findings, and enter judgment against each party liable.

7. In any action where the claimant does not allege intentional wrongdoing, any award of damages shall be paid by the state.

8. By January 1, 2001, the supreme court shall develop a jury instruction to be used in civil actions brought pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 15** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kenney offered **SA 16**:

#### SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 22, Section 455.205, Line 17, by inserting after all of said line the following:

**"455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" under the control of the Supreme Court, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

**(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;**

**(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court; and**

**(3) Nine members of the general public, one from each congressional district and no more than five from one political party.**

**All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.**

**3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.**

**4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.**

**5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.**

**6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**455.305. 1. Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:**

- (1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;**
- (2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;**
- (3) To provide treatment and counseling to victims of domestic violence; and**
- (4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.**

**2. Funding for the pilot programs shall be subject to appropriation.**

**3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year."; and**

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Steelman offered **SA 1** to **SA 16**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 16

Amend Senate Amendment No. 16 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 1, Section 455.300, Line 4 of said amendment, by inserting after "Violence" the following: "**and Women in the Workplace**"; and further amend page 1, line 8 of said amendment, by inserting after all of said line the following:

"(2) **One judge of a circuit court, who shall be appointed by the chief justice of the supreme court;**

**(3) One commissioner from the human rights commission, who shall be appointed by the governor;**"; and further amend said section, by renumbering the remaining subdivisions accordingly; and further amend page 1, line 16 of said amendment, by inserting after "violence" the following: "**and women in the workplace**"; and

Further amend said amendment, page 2, section 455.300, line 1 of said amendment, by inserting after "violence" the following: "**and women in the workplace**"; and further amend line 6 of said page, by inserting after "violence" the following: "**and women in the workplace**"; and further amend line 12 of said page, by after "violence" the following: "**and women in the workplace**"; and

Further amend said amendment, page 3, Section 455.305, lines 7 and 8, by striking said lines and inserting in lieu thereof the following: "**administer up to twenty pilot projects to address domestic violence intervention and rehabilitation and study the prevalence and consequences of and remedies for sexual discrimination, including sexual harassment, of women in the workplace. Such projects that focus on domestic violence, shall**"; and further amend line 10 of said page of said amendment, by inserting after "exist" the following: "**. The projects shall be**"; and further amend said page of said amendment, line 15, by inserting after "violence" the following: "**and sexual discrimination and harassment in the workplace**"; and further amend said page of said amendment, line 17, by inserting after "violence" the following: "**and sexual discrimination and harassment in the workplace**"; and further amend said page of said amendment, line 19, by inserting after "violence" the following: "**and sexual discrimination and harassment in the workplace**"; and further amend said page of said amendment, line 21, by inserting after "violence" the following: "**and sexual discrimination and harassment in the workplace**"; and

Further amend said amendment, Page 4, Section 455.305, line 16 of said amendment by inserting after all of said line the following:

"Further amend said bill, page 29, Section 512.190, Line 18, by inserting before all of said line the following:

**"510.195. In any action involving an allegation of domestic violence or in any action filed pursuant to section 213.111 involving an allegation of sexual discrimination in the workplace, including sexual harassment, the parties shall be entitled to a trial before a jury."**

Senator Steelman moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 16** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 1** to **SA 16** was again taken up.

At the request of Senator Steelman, the above amendment was withdrawn.

**SA 16** was again taken up.

Senator Bentley offered **SA 2** to **SA 16**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 16

Amend Senate Amendment No. 16 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 678, Page

1, Section 455.300, Line 13, by adding at the end of the line "at least two of the nine members shall be a director or a volunteer at a domestic violence shelter."

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Caskey raised the point of order that **SA 16** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Russell offered **SA 17**:

#### SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 62, Section 2, Line 2, by adding after said line the following:

**"Section 3. In all proceedings before the administrative hearing commission or any state agency it shall not be necessary for a corporation authorized to do business in this state to be represented by counsel if such corporation is represented by either the president or chief executive officer of such corporation or a person employed by such corporation and designated by the president or chief executive officer to represent the corporation. In any such proceeding before the administrative hearing commission or a state agency whereby a corporation is represented by either its president or chief executive officer, or by a designated person, such representation shall not be construed to be the practice of law as such term is defined in section 484.010."; and further amend the title and enacting clause accordingly.**

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Schneider moved that **SS for SCS for SBs 678 and 742**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS for SCS for SBs 678 and 742**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 577**, with **SCS**, **SS for SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 4** was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 26, Section 260.960, Line 6 of said page, by inserting immediately after said line the following:

**"Section 1. 1. Notwithstanding any other provision of law, when the department of natural resources intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars or potential reduction of a party's financial obligation to the state in excess of one hundred thousand dollars shall forward a copy to the attorney general before entering into that contract or other written agreement or approving that letter of intent.**

**2. Upon receiving the contract, written agreement or letter of intent, the attorney general shall, within ten days,**

**review and approve that contract for its legal form as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, written agreement or letter of intent with additional provisions as may be necessary to the proper enforcement of the contract as required to protect the state's legal interest.**

**3. The review shall be restricted to the legal form of the contract, written agreement or letter of intent to protect the legal interest of the state of Missouri. The basis for not approving the contract, written agreement or letter of intent shall not include the parties or economic terms to such agreements.**

**4. Communications related to the attorney general's review are attorney-client communications except the attorney general's written disposition shall be subject to chapter 610, RSMo, when and if the contract, written agreement or letter of intent becomes effective."; and**

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 6**, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 18, Section 260.930, Line 10 of said page, by inserting a period "." on said line after the word "facility" and further amend said bill, page, and section by striking lines 11 and 12 and inserting in lieu thereof the following:

"The provisions of this subsection shall apply to any dry cleaning facility or dry cleaning facility site which has been included in a corrective action plan approved by the director. The director shall only approve a corrective action plan after making a determination that a sufficient balance in the fund exists to implement the plan."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 26, Section 260.960, Line 6, by inserting after all of said line the following:

"640.010. 1. There is hereby created a department of natural resources in charge of a director appointed by the governor, by and with the advice and consent of the senate. The director shall administer the programs assigned to the department relating to environmental control and the conservation and management of natural resources. The director shall coordinate and supervise all staff and other personnel assigned to the department. He shall faithfully cause to be executed all policies established by the boards and commissions assigned to the department, be subject to their decisions as to all substantive and procedural rules and his decisions shall be subject to appeal to the board or commission on request of the board or commission [or by affected parties]. The director shall recommend policies to the various boards and commissions assigned to the department to achieve effective and coordinated environmental control and natural resource conservation policies.

2. The director shall appoint directors of staff to service each of the policy making boards or commissions assigned to the department. Each director of staff shall be qualified by education, training and experience in the technical matters of the board to which he is assigned and his appointment shall be approved by the board to which he is assigned and he shall be removed or reassigned on their request in writing to the director of the department. All other employees of the department and of each board and commission assigned to the department shall be appointed by the director of the department in accord with chapter 36, RSMo, and shall be assigned and may be reassigned as required by the director of the department in such a manner as to provide optimum service, efficiency and economy.

3. The air conservation commission, chapter 203, RSMo, and others, the clean water commission, chapter 204, RSMo, and others, are transferred by type II transfer to the department of natural resources. The governor shall appoint the members of these bodies in accord with the laws establishing them, with the advice and consent of the senate. The bodies hereby transferred shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies transferred to their jurisdiction. All the powers, duties and functions of the state environmental improvement authority, chapter 260, RSMo, and others, are transferred by type III transfer to the air conservation commission. All the powers, duties and functions of the water resources board, chapter 256, RSMo, and others, are transferred by type I transfer to the clean water commission and the board is abolished. No member of the clean water commission shall receive or shall have received, during the previous two years from the date of his appointment, a significant portion of his income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of the clean water commission. The state park board, chapter 253, RSMo, is transferred to the department of natural resources by type I transfer.

4. All the powers, duties and functions of the state soil and water districts commission, chapter 278, RSMo, and others, are transferred by a type II transfer to the department.

5. All the powers, duties and functions of the state geologist, chapter 256, RSMo, and others, are transferred by type I transfer to the department of natural resources. All the powers, duties and functions of the state land survey authority, chapter 60, RSMo, are transferred to the department of natural resources by type I transfer and the authority is abolished. All the powers, duties and functions of the state oil and gas council, chapter 259, RSMo, and others are transferred to the department of natural resources by type II transfer. The director of the department shall appoint a state geologist who shall have the duties to supervise and coordinate the work formerly done by the departments or authorities abolished by this subsection, and shall provide staff services for the state oil and gas council.

6. All the powers, duties and functions of the land reclamation commission, chapter 444, RSMo, and others, are transferred to the department of natural resources by type II transfer. All necessary personnel required by the commission shall be selected, employed and discharged by the commission. The director of the department shall not have the authority to abolish positions.

7. The functions performed by the division of health in relation to the maintenance of a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for licensing and regulating solid waste management systems and plans are transferred by type I transfer to the department of natural resources.

8. (1) The state interagency council for outdoor recreation, chapter 258, RSMo, is transferred to the department of natural resources by type II transfer. The council shall consist of representatives of the following state agencies: department of agriculture; department of conservation; office of administration; department of natural resources; department of economic development; department of social services; department of transportation; and the University of Missouri.

(2) The council shall function as provided in chapter 258, RSMo, except that the department of natural resources shall provide all staff services as required by the council notwithstanding the provisions of [sections] **section** 258.030 [and 258.040], RSMo, and all personnel and property of the council are hereby transferred by type I transfer to the department of natural resources and the office of executive secretary to the council is abolished.

**640.020. 1. Other provisions of law notwithstanding, the department of natural resources, including any board or commission assigned to the department of natural resources in accordance with section 640.010 that is authorized by statute to adopt rules, shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the provisions of any applicable federal statutes and federal regulations, as follows:**

**(1) The clean air commission shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the substantive provisions of the federal Clean Air Act, as amended, relating to air pollution control;**

**(2) The clean water commission shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the substantive provisions of the federal Clean Water Act, as amended, relating to water pollution control, and subtitle I of the federal Resource Conservation and Recovery Act, as amended, relating to underground storage tanks;**

**(3) The hazardous waste management commission shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the substantive provisions of the federal Resource Conservation and Recovery Act, as amended, relating to hazardous waste management;**

**(4) The land reclamation commission shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the substantive provisions of the federal Surface Mining Control and Reclamation Act, as amended, relating to surface mining and land reclamation;**

**(5) The safe drinking water commission shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the substantive provisions of the federal Safe Drinking Water Act, as amended, relating to drinking water systems;**

**(6) The department shall have the authority to promulgate such rules, pursuant to chapter 536, RSMo, to establish standards, guidelines and requirements to ensure that the state of Missouri is in compliance with the substantive provisions of subtitle D of the federal Resource Conservation and Recovery Act, as amended, relating to solid waste management.**

**2. The rules promulgated by the department or any commission or board assigned to the department shall not be any stricter than those required pursuant to the provision of the applicable federal statutes and federal regulations nor shall such rules be enforced in any area of the state of Missouri prior to the time required by the federal statutes or regulations, unless the department, commission or board makes specific findings, based on competent and substantial evidence in the administrative record, that:**

**(1) Specific circumstances or conditions in the state of Missouri are causing, or have the potential to cause, specific harm to human health and the environment; and**

**(2) Either:**

**(a) The specific circumstances or conditions are not subject to regulation by any applicable federal statute or federal regulation; or**

**(b) The existing federal statutes or regulations are not sufficient to adequately protect human health and the environment in the state of Missouri; and**

**(3) A more restrictive rule is necessary to address the specific circumstance or condition in order to prevent or alleviate the specific harm caused to human health and the environment.**

**3. For any rule promulgated pursuant to subsection 2 of this section, the department, commission or board shall specifically enumerate in the administrative record and shall publish in the Missouri Register, along with the notice of proposed rulemaking, findings of fact relative to the specific circumstances or conditions causing harm, the nature and scope of the specific harm to human health and the environment, and the health-based and/or science-based reasons justifying why the adoption of a more restrictive rule will prevent or alleviate the specific harm to human health and the environment.**

**4. For any rule promulgated pursuant to subsection 2 of this section, the fiscal notes required by sections 536.200 and 536.205, RSMo, shall contain, in addition to the requirements imposed those sections, a discussion**



and explanation of the consideration by the department, commission or board of the effects on human health and the environment, economics, pollution prevention and the effectiveness and cost of reasonably available control methods for the proposed more restrictive rule.

**5. Any rule that is more restrictive than federal statutes or federal regulations that is adopted by the department or a commission or board assigned to the department without complying with the procedures set forth in this section is void."**; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SB 577**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **SB 577**, as amended, was declared perfected and ordered printed.

Senator Johnson moved that **SB 957**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

Senator Scott assumed the Chair.

Senator Johnson offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 957, Page 5, Section 205.971, Line 1, by inserting immediately after "205.971." the following: "**1.**"; and

Further amend said bill and section, page 6, line 25, by inserting immediately after said line the following:

**"2. Every county or city not within a county with an existing board at the time of the effective date of this act shall vote in the August primary election on a question submitted in substantially the following form:**

**OFFICIAL BALLOT**

**In addition to sheltered workshops, residence facilities and related services, shall the ..... (insert name of board in the county or city not within a county) provide and fund, as it deems necessary and without a tax increase, any other services or programs for persons with developmental disabilities and their families, including Special Olympics and respite care?**

**Yes No".**

Senator Johnson moved that the above substitute amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Caskey offered **SA 1** to **SSA1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

## FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 for Senate Committee Substitute for Senate Bill No. 957, Page 1, Line 16, by adding at the end of said line, the following: "**and shall at least 80% of the moneys be used to fund sheltered workshops, residence facilities, and related services**".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1 to SSA 1 for SA 2** was withdrawn.

Senator Howard offered **SA 2 to SSA 1 for SA 2**, which was read:

## SENATE AMENDMENT NO. 2 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Bill No. 957, Page 1, Line 8, by striking the word "shall" on said line and inserting in lieu thereof the word "**may**".

Senator Howard moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 957**, with **SCS, SA 2, SSA 1 for SA2** and **SA 2 to SSA 1 for SA 2** (pending), was placed on the Informal Calendar.

## REPORTS OF STANDING COMMITTEES

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Quick submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1047**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1045**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 1043, SB 1031, SB 580** and **SB 671**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

## RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1464, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Galen Marr, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1465, regarding Donna A. Burden, Warrensburg, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Josie Hines, West Plains.

Senator Mathewson introduced to the Senate, thirty-five ninth grade students from Brunswick High School, Chariton County; and Daniela Perez-Borges, Kevin Reichert, Joni Sparks and Mathew Drewitz were made honorary pages.

Senator Childers introduced to the Senate, Sarah Ellsworth, West Plains.

Senator Staples introduced to the Senate, Amelia Garrison, West Plains; and Harry Thayer, Oregon County.

On behalf of Senator Childers and himself, Senator Maxwell introduced to the Senate, Rhonda Davis, Koshkonong.

On behalf of Senator Jacob and himself, Senator Rohrbach introduced to the Senate, the Physician of the Day, Dr. George Fuchs, M.D., Lake Ozark.

Senator Johnson introduced to the Senate, Katelynn Clement, Coralie Burson, Shirley Clement, Roberta Schneider and Imogene Clark, Savannah; and Katelynn and Coralie were made honorary pages.

On behalf of Senator House and himself, the President introduced to the Senate, Steve Yoakum, Casey McCoy, Zach Kohler and Michael S. Yoakum, St. Charles; and Casey, Zach and Michael were made honorary pages.

Senator Schneider introduced to the Senate, Mrs. McKean, Mr. Pulley, Mrs. Steinmann, Mrs. Wright and one hundred fifth and sixth grade students from Commons Lane Elementary, St. Louis County; and Jared Bumbry, Kim Wasser, Charity Hope and Jeremy Minter were made honorary pages.

Senator Russell introduced to the Senate, Janis Hoyt and students from the Camdenton School sixth grade Gifted Program.

Senator Russell introduced to the Senate, Regina Herzog, Peggy Rittner, Dave Wall, Lee Smith and students from the Camdenton School Gifted Program.

Senator Rohrbach introduced to the Senate, Dan Dunek and a student government class from Pilot Grove.

Senator Kinder introduced to the Senate, eighth grade students from Immaculate Conception School, Jackson.

Senator Ehlmann introduced to the Senate, Pat McDonnell and members of People Building Community, St. Charles.

Senator Johnson introduced to the Senate, seventh grade students from Truman Middle School, St. Joseph.

Senator Yeckel introduced to the Senate, seventy sixth grade students from St. Simon School, St. Louis; and Eric DeGreeff, Steve Messmer, Kerry Nolan and Melissa Weber were made honorary pages.

Senator Flotron introduced to the Senate, seventy-five fourth grade students and twenty-five adults from Bellerive Elementary School, Creve Coeur.

Senator Klarich introduced to the Senate, Pam Levy and sixty fourth grade students from Geggie Elementary School, Eureka.

Senator Rohrbach introduced to the Senate, David O'Neill, Gary and Patty Warren, Ronnie and Linda Kalwiet and gifted students from Wheatland School, Wheatland.

Senator Childers introduced to the Senate, Katherine Baker, West Plains.

Senator Kenney introduced to the Senate, Lena Schulte, Turkey.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTIETH DAY--WEDNESDAY, APRIL 5, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

In the Book of Matthew 17:20 we hear: "If you have faith as a grain of mustard seed...nothing shall be impossible unto you."

Gracious God, grant us grace to have faith in You knowing that with You nothing is impossible if done in keeping with Your love. So we ask remove the doubts and fears that assail our hearts and souls and grant us that strength, joy and triumph which You have promised, so we may better serve those You have given to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senators Quick and Johnson offered Senate Resolution No. 1466, regarding the Eightieth Birthday of Mrs. Catherine Hart, Platte City, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, care for the elderly constitutes a vital service within the State of Missouri; and

WHEREAS, the delivery of care and other services to the elderly is a complex issue and deserving of organized study and review; and

WHEREAS, the Division of Aging is an integral part of the management and delivery of care and other services to the elderly; and

WHEREAS, the organization and oversight of the Division of Aging by the Department of Social Services is in a period of re-evaluation and little time exists to study the best overall solution:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on the Transfer of the Division of Aging" to be composed of seven members of the Senate and seven members of the House of Representatives; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of the transfer of the Division of Aging and shall determine the benefits or detriments, including the financial ramifications, of such a transfer on the elderly population. The committee shall make such recommendations as it deems necessary and shall be authorized to function from August 1, 2000, to January 5, 2001; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by July 1, 2000, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000; and

BE IT FURTHER RESOLVED, that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses of each staff shall be paid from the contingency fund of their respective departments; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem of the Senate, and the Speaker of the House of Representatives.

**REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 610**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Stoll moved that **SB 926**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 926**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR**

**SENATE BILL NO. 926**

An Act to repeal section 163.031, RSMo Supp. 1999, relating to state school aid to school districts based upon payment amounts in a previous year, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **SB 926** be adopted.

Senator Stoll offered **SS** for **SCS** for **SB 926**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 926

An Act to repeal sections 163.011 and 163.031, RSMo Supp. 1999, relating to state school aid to school districts, and to enact in lieu thereof two new sections relating to the same subject.

Senator Stoll moved that **SS** for **SCS** for **SB 926** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 1, In the Title, Line 3, by striking the following: "state school aid to school districts" and inserting in lieu thereof the following: "public schools"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**"160.700. 1. There is hereby established a pilot program for public middle school students using military training and motivation methods. This program shall be established jointly by the department of elementary and secondary education, the department of social services and the national guard.**

**2. The program may include and emphasize appropriate role model examples, adventure training, codes of conduct and policies on discipline as necessary to train students to become personally disciplined.**

**3. Students in the seventh or eighth grades may apply to attend the program upon recommendation of their school administration, or upon recommendation by local division of family services counselors.**

**4. This program shall be a four week residential program at a national guard facility during which time military training instructors from the national guard shall have overall responsibility for the students. Academic instruction shall be provided by the local school system and needed training for the families of the students shall be provided by school counselors or the department of social services.**

**4. There is hereby established in the state treasury the "National Guard Pilot Instruction Program Fund". The pilot program of public instruction established pursuant to this section shall be funded by moneys from this fund. The fund may receive any grants, gifts, donations and appropriations for the purpose of establishing and operating this program."; and**

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Stoll raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 1** was again taken up.

At the request of Senator Howard, the above amendment was withdrawn.

Senator Klarich offered **SA 2**, and asked that it be printed:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 17, Section 163.031, Line 10 of said page, by inserting after "amount." the following: **"In addition to any other adjustments pursuant to this subsection, for all school years in which the state appropriations to fund lines 1 to 10 of the state school aid formula pursuant to this section for the current year exceed the previous year appropriations for that purpose, the amount per pupil for those districts receiving an addition to the payment amount pursuant to this subsection for the preceding school year and eligible for such addition in the current school year shall be increased by the percentage increase in such appropriations from the preceding school year to the current school year."**

Senator Klarich moved that the above amendment be adopted.

Senator Clay assumed the Chair.

President Pro Tem Quick assumed the Chair.

At the request of Senator Klarich, **SA 2** was withdrawn.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

"162.581. 1. The members of the board of education shall be elected from the city, as provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city[, and shall have been residents and citizens] for at least three years immediately preceding their election, **and residents of the subdistrict from which they are elected for at least one year immediately preceding their election.** They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If, at any time after [the] **his or her** election [of], any member of the board [he] becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he **or she** shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he **or she** was elected.

2. Every member of the board, before assuming the duties of [his] office, shall take oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in the office of the board, that he **or she** possesses all the qualifications required by this section, and that he **or she** will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as agent or employee of any individual, firm or corporation which is so interested, and that he **or she** will not be influenced, during his **or her** term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from service as election officers during the term of office.

162.601. 1. Elected members of the board in office on August 28, [1998] **2000**, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, [1998] **2000**, shall serve for the remainder of the term to which the replaced member was elected.

2. [No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3.] Three board members, **one from each even numbered subdistrict**, shall be elected at the [second] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001 and every four years thereafter** to serve four-year terms.

[4.] **3.** Four board members, **one from each odd-numbered subdistrict**, shall be elected at the [third] municipal election in [an odd-numbered year next following August 28, 1998, and two of such members shall be elected to] **the year 2003 and every four years thereafter to serve** four-year terms [and two of such members shall be elected to three-year terms].

[5.] **4.** Beginning with the [fourth] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001**, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

[6.] **5.** Members of the board of directors shall be elected to represent seven subdistricts. [The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7.] A member shall reside in and be elected [in] **by the voters of** the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

**In the event the aggregate number of wards in the district shall be either increased or decreased in total, or if the wards in one or more subdistricts are no longer contiguous, or if the subdistricts are no longer nearly equal in population as practicable upon redistricting of the wards by the city after each decennial census, the subdistricts shall, after notice and a public hearing, be redistricted by the state board of education. The subdistricts established by the state board of education shall be compact, contiguous and as nearly equal in population as practicable and shall not cross ward lines unless the total number of wards may not be evenly divided by seven.**

[8.] **6.** No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his **or her** seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment **of a qualified resident of the subdistrict** for the remainder of the term."; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, page 1, Section A, line 3, by striking "state school aid to school districts" and inserting in lieu thereof "school districts".

Senator Clay moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 3** is out of order as the amendment goes beyond the scope of the legislation.



Senator DePasco assumed the Chair.

The point of order was referred to the President Pro Tem.

Senator Mathewson assumed the Chair.

At the request of Senator Clay, **SA 3** was withdrawn, rendering the point of order moot.

Senator Westfall offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 16, Section 163.031, Line 22 of said page, by inserting immediately after "previous year", the following: "**and which levies, in the current payment year, an operating levy for purposes, after all adjustments, at no less than two dollars and seventy-five cents per one hundred dollars assessed valuation**".

Senator Westfall moved that the above amendment be adopted.

At the request of Senator Stoll, **SB 926**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

#### RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1467, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Fiehler, St. Charles, which was adopted.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

#### SENATE BILLS FOR PERFECTION

Senator House moved that **SB 729**, with **SCS**, **SA 1** and **SA 2** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

**SA 2** to **SA 1** was again taken up.

At the request of Senator Bland, the above amendment was withdrawn.

Senator Johnson assumed the Chair.

Senator Bland offered **SSA 1** for **SA 1**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1

#### FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 729, Section 160.420, Page 13, Line 2, by striking the opening bracket "["; and further amend lines 2-3, by striking the following: "the contract between the charter school and"; and further amend line 3, by striking the words "may provide" and inserting in lieu thereof the following: "**shall establish a uniform policy which provides**"; and further amend line 4, by striking the closing bracket "]" and further

amend lines 5-6, by striking the following: "chooses to remain an employee of the district and provides written notice to the school board holder from July first of the school year,"; and further amend line 8, by striking the word "A" and inserting in lieu thereof the following: **"The district's policy may provide that any"**; and further amend lines 9 and 10 by striking the following: "and seniority rights"; and further amend line 10, by striking the following: "for two school years".

Senator Bland moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Childers, Clay, Kenney and Singleton.

Senator Wiggins assumed the Chair.

**SSA 1** for **SA 1** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Scott	Staples	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Childers	Flotron	Graves	Kenney
Mueller	Rohrbach	Sims	Singleton
Steelman	Westfall--10		
Absent--Senators			
Ehlmann	Schneider--2		
Absent with leave--Senators--None			

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 729, Page 2, Section 160.400, Line 18, by inserting at the end of said line the following: **"An urban school district which leases vacant building space to charter schools shall lease all such vacant building space to charter schools on substantially equivalent terms and for substantially equivalent compensation. An urban school district shall negotiate, in good faith, a fair market price for any property that is vacant and make it available for lease to any charter school located within said district."**; and

Further amend said bill, page 4, Section 160.400, Lines 97 to 100, by striking all of said lines; and

Further amend said bill and Section, Page 5, Line 101, by striking all of said line; and

Further amend said bill, Page 9, Section 160.410, Line 12, by striking the opening and closing brackets "[ ]" from said line; and further amend line 14, by striking the following: "; and" and inserting in lieu thereof a period "."; and further amend lines 15 and 16, by striking all of said lines; and

Further amend said bill and section, Page 10, Lines 17 and 18, by striking all of said lines.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 729, Page 14, Section 160.420, Line 31, by inserting immediately after said line the following:

"162.581. 1. The members of the board of education shall be elected from the city, as provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city[, and shall have been residents and citizens] for at least three years immediately preceding their election, **and residents of the subdistrict from which they are elected for at least one year immediately preceding their election.** They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If, at any time after [the] **his or her** election [of], any member of the board [he] becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he **or she** shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he **or she** was elected.

2. Every member of the board, before assuming the duties of [his] office, shall take oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in the office of the board, that he **or she** possesses all the qualifications required by this section, and that he **or she** will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as agent or employee of any individual, firm or corporation which is so interested, and that he **or she** will not be influenced, during his **or her** term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from service as election officers during the term of office.

162.601. 1. Elected members of the board in office on August 28, [1998] **2000**, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, [1998] **2000**, shall serve for the remainder of the term to which the replaced member was elected.

2. [No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3.] Three board members, **one from each even numbered subdistrict**, shall be elected at the [second] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001 and every four years thereafter** to serve four-year terms.

[4.] **3.** Four board members, **one from each odd-numbered subdistrict**, shall be elected at the [third] municipal election in [an odd-numbered year next following August 28, 1998, and two of such members shall be elected to] **the year 2003 and every four years thereafter to serve** four-year terms [and two of such members shall be elected to three-year terms].

[5.] **4.** Beginning with the [fourth] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001**, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

[6.] **5.** Members of the board of directors shall be elected to represent seven subdistricts. [The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7.] A member shall reside in and be elected [in] **by the voters of** the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5

and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

**In the event the aggregate number of wards in the district shall be either increased or decreased in total, or if the wards in one or more subdistricts are no longer contiguous, or if the subdistricts are no longer nearly equal in population as practicable upon redistricting of the wards by the city after each decennial census, the subdistricts shall, after notice and a public hearing, be redistricted by the state board of education. The subdistricts established by the state board of education shall be compact, contiguous and as nearly equal in population as practicable and shall not cross ward lines unless the total number of wards may not be evenly divided by seven.**

[8.] **6.** No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his **or her** seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment **of a qualified resident of the subdistrict** for the remainder of the term."; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, page 1, in the title, line 3, by striking the word "charter" and inserting in lieu thereof the word "public".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 729, Page 13, Section 160.420, Line 15, by inserting after "personnel.", the following: **"A charter school may employ noncertificated administrative personnel and noncertificated principals and assistant principals."**

Senator Westfall moved that the above amendment be adopted.

Senator Bland offered **SA 1 to SA 4**:

#### SENATE AMENDMENT NO. 1 TO

#### SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Line 5 of said page, by striking the period "." and inserting in lieu thereof the following:

"; and

Further amend said bill, page 14, section 160.420, line 31, by inserting after all of said line, the following:

**Section 1. Any school district may hire and employ noncertificated administrative personnel and noncertificated principals and assistant principals."**; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator House raised the point of order that **SA 1 to SA 4** is out of order as the amendment goes beyond the scope and purpose of the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SA 4** was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Kinder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 729, Page 5, Section 160.400, Line 101, by inserting after all of said line, the following:

**"17. Charter schools may be established in any school district in which a petition has been filed with the county clerk requesting that an issue to authorize charter schools within the district be placed before voters of the district and signed by registered voters of the district totaling no less than five percent of the number of persons voting in the most recent school board election in the district and such issue has been approved by a majority of voters voting thereon."**

Senator Kinder moved that the above amendment be adopted.

Senator Singleton offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Line 4, by adding after the word "district" the following: "by resolution of the local school district board or".

Senator Singleton moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SSA 1 for SA 1 to SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Line 4, after the word "district," the following: "where the school district is non-accredited or only provisionally-accredited".

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SSA 1 for SA 1 to SA 5** and was joined in his request by Senators Caskey, Howard, Kenney and Rohrbach.

Senator Mathewson assumed the Chair.

**SSA 1** for **SA 1** to **SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bland	Carter	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Yeckel--16
NAYS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Scott	Stoll	Westfall
Wiggins--17			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

President Wilson assumed the Chair.

**SA 1** to **SA 5** was again taken up.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kinder, Schneider and Westfall.

**SA 1** to **SA 5** failed of adoption by the following vote:

YEAS--Senators			
Clay	Flotron	Graves	Howard
Kenney	Kinder	Klarich	Schneider
Scott	Singleton	Steelman	Yeckel--12
NAYS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Sims	Stoll	Westfall
Wiggins--21			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

**SA 5** was again taken up.

Senator Kinder moved that the above amendment be adopted, which motion failed.

Senator Flotron offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 729, Page 9, Section 160.405, Line 163 of said section, by deleting lines 163 through 168 in their entirety and inserting in lieu thereof the following:

**"11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 729, Page 7, Section 160.405, Line 100 of said section, by deleting the bold language on lines 100 and 101 and inserting in lieu thereof the following: "**which shall also include a statement that background checks have been completed on the charter school's board members,**"; and

Further amend said bill, page 10, section 160.410, line 50, by inserting immediately after the numeral 160.522 on said line the following:

**"; and,**

**(3) The results of background checks on the charter school's board members."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 729, Page 1, Section 105.269, Lines 1-14, by striking all of said lines; and

Further amend said bill and section, Page 2, Lines 15-25, by striking all of said lines and inserting in lieu thereof the following:

"[105.269. 1. Any metropolitan school district who has individuals who work in said district which are employed by the state of Missouri who participate in the volunteer tutoring program as provided in said section and which has at least a five percent shortage of certified teachers may apply to the department of elementary and secondary education for waivers to allow retired teachers to teach in said metropolitan school district for up to two years without losing his or her retirement benefits. Said retired teacher need not be in the teacher's salary scale. Said metro-politan school district shall place an emphasis on hiring retired teachers to teach in areas that include but are not limited to, improving student reading, which may include elementary remedial reading and the "Read to be Ready Program" as established under this act\*, math, science and special education.

2. The department of elementary and secondary education shall adopt rules to implement the provisions of this section.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 167.640, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and section 167.640, RSMo, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.]" and

Further amend said bill, Page 14, Section 160.420, Line 31, by inserting after all of said line the following:

**"Section 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits. The total number of such retired certificated teachers**

shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district or five persons. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7. The provisions of this section shall not become effective until the affected retirement systems have actuarial studies assuring that the provisions are cost-neutral and the systems remain actuarially sound. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.

2. Any school district may employ retirees receiving a retirement allowance pursuant to sections 169.600 to 169.715, RSMo, for a period of up to two years without losing his or her benefits."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Clay assumed the Chair.

At the request of Senator House, **SB 729**, with **SCS** and **SA 8** (pending), was placed on the Informal Calendar.

Senator Quick moved that **SJR 53** be taken up for perfection, which motion prevailed.

Senator Quick offered **SS No. 2** for **SJR 53**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE JOINT RESOLUTION NO. 53

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri relating to changing the number of members of the house of representatives, and adopting two new sections in lieu thereof relating to the same subject.

Senator Quick moved that **SS No. 2** for **SJR 53** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Scott, Steelman and Westfall.

**SS No. 2** for **SJR 53** was adopted by the following vote:

YEAS--Senators			
Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Goode	Johnson
Kinder	Klarich	Quick	Scott
Sims	Singleton	Staples	Stoll
Wiggins--17			
NAYS--Senators			
Bland	Caskey	Childers	Graves
House	Howard	Kenney	Maxwell
Mueller	Rohrbach	Russell	Stelman
Westfall	Yeckel--14		
Absent--Senators			
Jacob	Mathewson	Schneider--3	
Absent with leave--Senators--None			

Senator Caskey requested a roll call vote be taken on the perfection of **SS No. 2** for **SJR 53** and was joined in his request by Senators Childers, Kenney, Russell and Westfall.



On motion of Senator Quick, **SS No. 2** for **SJR 53** was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Goode	House
Johnson	Kinder	Klarich	Mathewson
Quick	Scott	Sims	Singleton
Staples	Stoll	Wiggins	Yeckel--20
NAYS--Senators			
Bland	Caskey	Childers	Graves
Howard	Jacob	Kenney	Maxwell
Mueller	Rohrbach	Russell	Steelman
Westfall--13			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

Senator Stoll moved that **SB 926**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 4** was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Stoll, **SB 926**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

## RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1468, regarding Sharron Gae Heathman, Lexington, which was adopted.

Senator Flotron offered Senate Resolution No. 1469, regarding Linda Cloninger, Maryland Heights, which was adopted.

Senators Clay, Sims and Schneider offered Senate Resolution No. 1470, regarding Colonel Robert G. Lowery, Sr., Florissant, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Pam Heitzman, Margie Taylor, Sue Luedde, Sarah Heitzman, Rachel Ossac, Greg Heitzman, Ben Gruhn, Dan Gruhn and Thomas Wingfield, Franklin County; and Ben, Dan and Thomas were made honorary pages.

Senator Russell introduced to the Senate, Donald and Cathern Long, Hartville; and Shelby Long, Houston; and Shelby was made an honorary page.

Senator Flotron introduced to the Senate, members of the Missouri Federation of Republican Women.

On behalf of Senators DePasco, Bland and himself, Senator Wiggins introduced to the Senate, Jerry and Jean Macke and Joyce and Duane Robertson, Kansas City.

Senator Mathewson introduced to the Senate, twenty-five ninth grade students from Keytesville High School, Keytesville.

On behalf of Senator Westfall and herself, Senator Sims introduced to the Senate, Patricia Roston, Wellston; Jennae Neustadt, West Alton; Jessica Joy Federer, St. Louis; Brandi Anstine, Holden; Lindsay Green, Independence; Sarah Heller, Marceline; Stacey Burns, Bolivar; Carolyn Lea Moncrief, Licking; and Sarah R. Stock, Washington; and Patricia, Jennae, Jessica, Brandi, Lindsay, Sarah, Stacey, Carolyn and Sarah were made honorary pages.

On behalf of Senator Wiggins, the President introduced to the Senate, former State Senator Bill McKenna, Barnhart.

Senator Kinder introduced to the Senate, seventh and eighth grade students from Altenburg Public School, Altenburg; and seventh and eighth grade students from Salem Lutheran School, Farrar.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, thirty students and teachers from Willie Harris School, St. Charles.

Senator Caskey introduced to the Senate, Jim Hargrave, Nick Rizzo and twenty-five eleventh and twelfth grade students from Warrensburg High School, Warrensburg.

Senator Schneider introduced to the Senate, Mrs. Carnagy and students from Faith Christian School, St. Louis County; and Danielle Vitale, Jessica Deane, Joey Crets and Michael Mowrey were made honorary pages.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory Terpstra, D.O., Potosi.

On behalf of Senator Kinder and himself, Senator Childers introduced to the Senate, Paul Childers and Moe Sanford, West Plains.

Senator Bland introduced to the Senate, Tiffany Marie Wright and Alyce Richard, Kansas City; and Tiffany Marie was made an honorary page.

Senator Klarich introduced to the Senate, Sarah Tyler, Ansel Withaus, Matt Harneckan and Sara Stork, Washington; and Sarah, Ansel, Matt and Sara were made honorary pages.

Senator Johnson introduced to the Senate, sixty-eight fifth grade students from Mid Buchanan Elementary School, Buchanan County.

Senator Westfall introduced to the Senate, Elizabeth Rohrs, Debbie McGinnis, Linda Porter, Stacy Burns and Andrea Porter, Bolivar; and Andrea was made an honorary page.

Senator Rohrbach introduced to the Senate, Zach and Luke Porter and Richard and Sarah Poire, Jefferson City; and Zach, Luke and Richard were made honorary pages.

Senator Flotron introduced to the Senate, Donna Sisk and Jean Hacker, St. Louis.

Senator Rohrbach introduced to the Senate, Cammie Caldwell, Jefferson City.

Senator Stoll introduced to the Senate, Victoria Fricke and fifty fourth grade students from Hillsboro Elementary School, Hillsboro.

Senator Kinder introduced to the Senate, Ed, Karen, Hayley and Wesley Buchheit and Donna Ozark, Perryville.

Senator Schneider introduced to the Senate, Trevor Peroutka, Florissant; and Trevor was made an honorary page.

Senator Yeckel introduced to the Senate, Cindy Herbig and eight foreign exchange students from the St. Louis area; and Alex Havadi-Nagy, Julia Simtion, Christina Vonderbank and Katja Lieschke were made honorary pages.

Senator Caskey introduced to the Senate, Pat Simms, Windsor; and Elzie and June Berry, Clinton.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTY-FIRST DAY--THURSDAY, APRIL 6, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"You will keep him in perfect peace whose mind is stayed on You." (Isaiah 26:3)

Heavenly Father, we place our entire confidence in You ending this week knowing we have tried to be faithful to You and that all we have done, even our failures, are in Your gracious, forgiving hands. We commit ourselves to You for You have told us that today, as yesterday, is a day of mercy and of grace. We pray for Don Rackers as he faces surgery, and ask for Your healing power to quickly bring him health and wholeness. May we therefore travel home to our loved ones, free to walk at their side as You walk at our side. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Senate and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

**Present--Senators**

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Carter offered Senate Resolution No. 1471, regarding the death of Reverend Earl E. Nance, Sr., St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 1472, regarding Sheriff Dan Bullock, Detective Jeff Black and Detective Sergeant Joe Crump of the St. Francois County Sheriff's Department, which was adopted.

Senator Staples offered Senate Resolution No. 1473, regarding Janet Landolt Barton, Bonne Terre, which was adopted.

Senator Staples offered Senate Resolution No. 1474, regarding Juanita Hagemeier, Union, which was adopted.

Senator Sims offered Senate Resolution No. 1475, regarding Dr. Charles McKenna, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1476, regarding Child Abuse Prevention Month in Missouri, which was adopted.

## REMONSTRANCES

Senators Flotron and House offered the following remonstrance, which was referred to the Committee on Rules, Joint Rules and Resolutions:

### SENATE REMONSTRANCE NO. 5

WHEREAS, the General Assembly of the State of Missouri expects each member to conduct himself or herself with honor, dignity and respect for others while serving the people of his or her individual district; and

WHEREAS, it is perfectly reasonable for a member of the General Assembly to disagree with another member of the General Assembly on a particular issue or matters of policy; and

WHEREAS, Representative Charles Quincy Troupe recently spoke on KMOX Radio about a proposal to transfer control of Lambert Airport to a regional board; and

WHEREAS, while speaking on KMOX radio Representative Charles Quincy Troupe expressed his outrage to the airport proposal and accused the citizens of St. Charles County as being racists and that Senator Steve Ehlmann was their racist leader for introducing such a proposal; and

WHEREAS, Representative Charles Quincy Troupe's comments were inappropriate, unfounded, spoken in anger and lacking in good judgment; and

WHEREAS, Representative Charles Quincy Troupe has refused to apologize to Senator Steve Ehlmann and the citizens of St. Charles County for his poor judgment while speaking on KMOX radio:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrates against Representative Charles Quincy Troupe for his failure to apologize and his inability to refrain from making inappropriate comments; and

BE IT THEREFORE FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to Representative Charles Quincy Troupe so that he modifies his actions accordingly.

## REFERRALS

President Pro Tem Quick referred **SB 610** to the Committee on State Budget Control.

## REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 597**; **SB 944**; **SB 864**; **SB 1066**, with **SCS**; **SB 1059**, with **SCS**; **SB 956**, with **SCS**; **SB 683**, with **SCS**; and **SS** for **SCS** for **SBs 867** and **552**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HCS** for **HB 1742**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 35, Page 562, Column 1 of the Senate Journal for Wednesday, March 29, 2000, Line 6, by striking the word "Charles" and inserting in lieu thereof the word "Bryan".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SBs 678** and **742**; and **SS** for **SCS** for **SB 577**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

#### REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SBs 678** and **742**; and **SS** for **SCS** for **SB 577** to the Committee on State Budget Control.

#### THIRD READING OF SENATE BILLS

**SB 683**, with **SCS**, introduced by Senator Childers, entitled:

An Act to repeal section 304.580, RSMo 1994, relating to construction zones, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 683**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

## SENATE BILL NO. 683

An Act to repeal section 304.580, RSMo 1994, relating to construction zones, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **SB 683** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Childers, **SCS** for **SB 683** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Rohrbach--1		
	Absent--Senator Klarich--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 956**, with **SCS**, introduced by Senators Flotron and Goode, entitled:

An Act to repeal section 144.062, RSMO Supp. 1999, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Flotron.

**SCS** for **SB 956**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

## SENATE BILL NO. 956

An Act to repeal section 34.076, RSMo Supp. 1999, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Flotron moved that **SCS** for **SB 956** be adopted, which motion failed.

On motion of Senator Flotron, **SB 956** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1059**, with **SCS**, introduced by Senator Westfall, entitled:

An Act to authorize the conveyance of state property to the city of Nevada, Missouri.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1059**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1059

An Act to authorize the conveyance of state property to the Nevada R-V School District.

Was taken up.

Senator Westfall moved that **SCS** for **SB 1059** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 1059** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel--30		



NAYS--Senators--None

Absent--Senators

Clay

Howard

Staples

Stoll--4

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1066**, with **SCS**, introduced by Senators Bland and Maxwell, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to telecommunity centers.

Was called from the Consent Calendar and taken up by Senator Bland.

**SCS** for **SB 1066**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 1066

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to telecommunity centers.

Was taken up.

Senator Bland moved that **SCS** for **SB 1066** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 1066** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Carter

Caskey

Childers

Clay

DePasco

Ehlmann

Flotron

Goode

Graves

House

Howard

Jacob

Johnson

Kenney

Kinder

Klarich

Mathewson

Maxwell

Mueller

Quick

Rohrbach

Schneider

Scott

Sims

Singleton

Steelman

Westfall

Wiggins

Yeckel--31

NAYS--Senators--None

Absent--Senators

Russell

Staples

Stoll--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 864**, introduced by Senator Caskey, entitled:

An Act to repeal section 288.090, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 864** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Staples	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Howard	Staples	Stoll--3	
Absent with leave--Senators--None			

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

**SB 1075**, with **SCS**, introduced by Senator Jacob, entitled:

An Act to repeal section 288.050, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for SB 1075, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1075

An Act to repeal section 288.050, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob moved that SCS for SB 1075 be adopted, which motion prevailed.

On motion of Senator Jacob, SCS for SB 1075 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Staples	Stoll--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

Authorizes the creation of the Missouri-Mississippi River Delta Authority.

WHEREAS, the President of the United States has proposed the creation of a Mississippi Delta Regional Authority; and

WHEREAS, the Mississippi Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and to provide the infrastructure and job training needed to make prosperity possible in the Delta; and

WHEREAS, the seven affected counties in Missouri desire to participate with the Mississippi Delta Regional Authority in any policy development and programs for the Delta area:

NOW, THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of the "Missouri-Mississippi River Delta Authority" which shall participate in any policy development and subsequent programs created by the Mississippi Delta Regional Authority; and

BE IT FURTHER RESOLVED, that the Missouri-Mississippi River Delta Authority shall make recommendations to the General Assembly regarding policy development, programs and interstate compacts; and

BE IT FURTHER RESOLVED, that the Missouri-Mississippi River Delta Authority shall be composed of one county commissioner from each of the counties of Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Butler; each of the members of the Missouri House of Representatives whose districts are within the regions delineated by the Lower Mississippi Delta Development Commission; and the Senator from the twenty-fifth district; and

BE IT FURTHER RESOLVED that the Department of Economic Development shall provide professional, legal and clerical staff for the Missouri-Mississippi River Delta Authority; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mel Carnahan.

### THIRD READING OF SENATE BILLS

**SS for SCS for SBs 867 and 552**, introduced by Senator Maxwell, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof twenty-four new sections relating to the same subject.

Was taken up.

On motion of Senator Maxwell, **SS for SCS for SBs 867 and 552** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Singleton
Steelman	Westfall	Wiggins	Yeckel--28

#### NAYS--Senators

Goode	Mueller	Rohrbach	Sims--4
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#### Absent--Senators

Staples	Stoll--2
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#### Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 597**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 597

An Act to repeal section 453.030, RSMo Supp. 1999, relating to adoption, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SB 597** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Stelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

**SB 944**, introduced by Senator Caskey, entitled:

An Act to repeal section 568.050, RSMo 1994, and sections 160.261, 167.117 and 170.250, RSMo Supp. 1999, relating to weapons at public schools, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SB 944** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
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Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 1017**, introduced by Senator Mathewson, et al, entitled:

An Act to repeal sections 226.133 and 226.134, RSMo 1994, relating to bonding for transportation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Mathewson.

Senator Clay assumed the Chair.

President Wilson assumed the Chair.

Senator Clay assumed the Chair.

On motion of Senator Mathewson, **SB 1017** was read the 3rd time and passed by the following vote:

	YEAS--Senators			
Bentley	Bland	Carter	Caskey	
Childers	DePasco	Ehlmann	Flotron	
Goode	Graves	House	Howard	
Jacob	Johnson	Kenney	Kinder	
Mathewson	Maxwell	Quick	Russell	
Schneider	Scott	Sims	Steelman	
Stoll	Westfall	Wiggins	Yeckel--28	
	NAYS--Senators			
Clay	Klarich	Mueller	Rohrbach	
Singleton--5				
	Absent--Senator Staples--1			
	Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## **REPORTS OF STANDING COMMITTEES**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John J. Darlus, as a member of the Central Missouri State University Board of Governors;

Also,

Donald R. McQuitty, as a member of the Linn State Technical College Board of Regents;

Also,

Robin A. Greger, Harry A. Kujath and Walter L. Friedhofen, as members of the Missouri Community Service Commission;

Also,

Peggy Wanner-Barjenbruch and Sandra T. Bollinger, as members of the Drug Utilization Review Board;

Also,

Conny K. Dover and Donald L. Cupps, as public members of the County Employees' Retirement Fund Board of Directors;

Also,

Jerry E. Mackey, as a member of the Jackson County Sports Complex Authority;

Also,

Laurel A. Kramer, as a member of the State Committee of Psychologists;

Also,

Joseph Mark Goffinet, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Jack H. Williams, as a member of the Workers' Compensation Determinations Review Board;

Also,

Ray D. Jagger, as a member of the Missouri Fire Education Commission;

Also,

Natalie R. Anderson and Sandra K. Grebing, as members of the State Advisory Council on Emergency Medical Services;

Also,

Richard H. Dahl, as a member of the Missouri Investment Trust Board of Trustees.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **REFERRALS**

President Pro Tem Quick referred **HS** for **HCS** for **HB 1742**, with **SCS**, to the Committee on State Budget Control.

President Pro Tem Quick referred **SCR 36** to the Committee on Rules, Joint Rules and Resolutions.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1454**, entitled:

An Act to repeal section 260.285, RSMo Supp. 1999, relating to environmental control, and to enact in lieu thereof one new section relating to environmental control tax incentives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1499**, entitled:

An Act to repeal section 311.200, RSMo Supp. 1999, relating to the division of liquor control, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1631**, entitled:

An Act to repeal sections 311.510 and 311.540, RSMo 1994, and sections 311.070 and 311.485 RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1579**, entitled:

An Act to repeal section 311.210, RSMo 1994, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1597**, entitled:

An Act to repeal section 384.043, RSMo 1994, relating to surplus lines insurance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1284**, entitled:

An Act to repeal section 190.055, RSMo Supp. 1999, relating to ambulance district board members, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1659**, entitled:

An Act to amend chapter 94, RSMo, relating to sales taxes for economic development by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1242**, entitled:

An Act to repeal sections 214.367, 214.392, 333.061, 333.081, 334.128 and 339.150, RSMo 1994, and sections 190.500, 214.275, 214.276, 324.205, 324.212, 324.217, 324.522, 329.210, 331.050, 333.041, 333.042, 334.735 and 632.560, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1238**, entitled:

An Act to repeal sections 141.220, 141.540 and 141.610, RSMo 1994, sections 67.410 and 139.053, RSMo Supp. 1999, and both versions of section 141.550 as it appears in RSMo Supp. 1999, relating to property ownership, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1481**, entitled:

An Act to repeal sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031, 381.231, 381.410 and 381.412, RSMo Supp. 1999, relating to the Missouri title insurance act, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1434**, entitled:

An Act to repeal sections 316.203 and 316.209, RSMo Supp. 1999, relating to regulation of amusement rides, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1615**, entitled:

An Act to repeal sections 191.900, 191.910, 198.012, 198.026, 198.032, 198.090, 208.152, 344.050, 565.186, 565.188, 565.190, 660.300, 660.305, 660.315 and 660.320, RSMo 1994, and sections 198.070, 198.526, 198.532, 208.010, 208.151, 210.903, 210.909, 210.915, 210.933, 210.936, 660.050, 660.055 and 660.317, RSMo Supp. 1999, and to enact in lieu thereof forty-two new sections relating to protection of the elderly, with penalty provisions and an expiration date for a certain section, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Johnson introduced to the Senate, thirty-one eighth grade students and eight adults from North Andrew County R-VI School, Rosendale.

Senator Howard introduced to the Senate, Sally Elrod and Cheryl Townsend, Piedmont; Rae Jean Crutchfield, Greenville; and Molly Reich, Dawna Haggett and Jerika Succio, Wayne County; and Molly, Dawna and Jerika were made honorary pages.

Senator Kinder introduced to the Senate, Linda and Wesley Glaus, Sikeston; and Wesley was made an honorary page.

Senator Flotron introduced to the Senate, ninety fourth grade students from Carrollton Elementary School, St. Louis.

Senator Schneider introduced to the Senate, students from Wedgewood Elementary School, Florissant; and Dustin Blaylock, Jacob Faulkner, Skye Williams and JoAnn Princivalli were made honorary pages.

Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Robb Hicks, Cape Girardeau.

Senator Mathewson introduced to the Senate, fourth grade students from Cowgill Elementary School, Cowgill.

Senator Graves introduced to the Senate, twelve fourth grade students and parents from Jamesport Tri-County School, Jamesport.

Senator DePasco introduced to the Senate, Ron Teresa and Joe Scarbrough, Home Schoolers from Kansas City; and Joe was made an honorary page.

Senator House introduced to the Senate, fifty-seven seventh grade students from Zion Lutheran School, St. Charles County.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, April 10, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTY-SECOND DAY--MONDAY, APRIL 10, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Abraham Lincoln once said: "Faith in our God is indispensable to successful statesmanship."

Gracious God, we thank You for bringing us safely to our work and to recognize our need for You in our lives and the statesmanship we practice. We know that to truly love this nation we need to first love You, our God. Help us this week to recognize we are both citizens of heaven as well as citizens of the United States. And let our efforts show forth our allegiance to You and the people of this State. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 6, 2000, was read and approved.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1477, regarding the Crappie Company, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1478, regarding the Gold Wing Road Riders Association Chapter V, Sikeston and Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1479, regarding the Dexter Evangelical Free Church Women, which was adopted.

Senator Howard offered Senate Resolution No. 1480, regarding the Honorable Dan Crawford, Dunklin County, which

was adopted.

Senator Howard offered Senate Resolution No. 1481, regarding Deputy Chris Riggs, Pemiscot County, which was adopted.

Senator Howard offered Senate Resolution No. 1482, regarding Mozell Shaw, Malden, which was adopted.

Senator Howard offered Senate Resolution No. 1483, regarding Marian English, Gideon, which was adopted.

Senator Steelman offered Senate Resolution No. 1484, regarding Dr. Mar R. Doering, DVM, Holts Summit, which was adopted.

Senator Steelman offered Senate Resolution No. 1485, regarding the death of LeCompte Joslin, Rolla, which was adopted.

Senator Bland offered Senate Resolution No. 1486, regarding the death of Eugene R. "Gene" Morris, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1487, regarding Kevin Dean Bower, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1488, regarding Michael Harrell, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1489, regarding Nolen "Trey" Roberson, III, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1490, regarding Chief Richard "Smokey" Dyer, Lee's Summit, which was adopted.

Senator Bland offered Senate Resolution No. 1491, regarding volunteers and scouts from Covenant Presbyterian Church, Kansas City, which was adopted.

Senator Graves offered Senate Resolution No. 1492, regarding Larry W. Moore, Marceline, which was adopted.

Senator Graves offered Senate Resolution No. 1493, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Cleveland, Jr., Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1494, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Hudson, Princeton, which was adopted.

Senator Graves offered Senate Resolution No. 1495, regarding the Fifty-Sixth Wedding Anniversary of Mr. and Mrs. Russell Liebhart, Bucklin, which was adopted.

Senator Graves offered Senate Resolution No. 1496, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Lee Rumph, East Moline, Illinois, which was adopted.

Senator Bentley offered Senate Resolution No. 1497, regarding Ferba Higgs Lofton, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1498, regarding Michael E. Wagner, II, Springfield, which was adopted.

Senator Stoll offered Senate Resolution No. 1499, regarding the Ninety-First Birthday of Homer E. Alcorn, Festus, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1500

WHEREAS, the members of the Missouri Senate consider it extremely fitting to recognize exemplary Show-Me State residents who not only have established a record of exceptional performance of the duties and responsibilities associated with their chosen professions, but have undertaken the herculean task of documenting Missouri historical events; and

WHEREAS, Dr. Joseph S. Summers, Jr., of Jefferson City enjoys a well-deserved reputation as a physician, author, publisher, businessman, and historian; and

WHEREAS, an Outstanding Alumnus of Jefferson City High School and a World War II veteran, Dr. Summers wrote the Pictorial Folk History of Jefferson City, Missouri, 1890-1900, The Day the Capitol Burned, Medical Milestones: Cole County Medical Society, One Hundred Fifty Years of Service: A History of Jefferson City Masonic Lodge, and The Civil War in Missouri as Seen from the Capital City; and

WHEREAS, Dr. Summers earned an Associate of Art degree from Jefferson City Junior College, a Bachelor of Science degree in medical science from the University of Missouri, a Medical Degree from Washington University, and a Specialized Medical Degree in radiology from the University of Minnesota; and

WHEREAS, a member of Grace Episcopal Church, Masonic Lodge, and Missouri Writers Guild, Dr. Summers was the first chairman of Jefferson City's Historic Preservation Commission and deserves special accolades for his leadership endeavors with the Cole County Historical Society, Historic City of Jefferson, Boy Scouts of America, and the Missouri Pilots Association which he co-founded; and

WHEREAS, married to Amy Koopmans Summers for many years, Dr. Summers heads a large, extended family that consists of his children, Dorothy Summers Dallmeyer, William Koopmans Summers, Joseph S. Summers, III, and Amy Kay Summers Wardum; ten grandchildren; and two great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the life and beloved labors of Dr. Joseph Summers and to commend him for his magnanimous generosity in sharing the fruits of his extensive local-history research with so many of his fellow citizens; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Dr. Joseph S. Summers, Jr., of Jefferson City, Missouri.

Senators Wiggins, DePasco and House offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1501

WHEREAS, Robert J. "Bob" Gillihan will distinguish himself as the third recipient of the coveted Organized Labor's Representative of the Year award during a festive celebration and dinner reception to be held April 14, 2000, at Harrah's Hotel and Casino in Kansas City, Missouri; and

WHEREAS, a native of Chanute, Kansas, Bob Gillihan graduated from Chanute High School and attended Rockhurst College before embarking upon a successful career in the United States Marine Corps in 1949 where he earned distinction as the All Service Middleweight Boxing Champion; and

WHEREAS, following the completion of his military duties which took him to Korea, Bob Gillihan searched for a job in the construction industry and was brought into Teamsters Local 541 by Del Neighbors to work on the Kansas Turnpike, and upon its completion went on to hold various positions with the Teamsters Union including pipelines and building construction; and

WHEREAS, Bob Gillihan furthered his career in the ready-mix concrete industry in Local 541 through jobs with Stewart Sand, Botsford, and Lone Star Concrete prior to becoming a Business Agent in the Teamsters Union where he was instrumental in acquiring better wages, health and welfare benefits, improved retirement benefits, and more vacation time for the men and women of Teamsters Local 541; and

WHEREAS, Bob Gillihan became Vice President of Teamsters Local 541 in 1980 and was elected President in 1990, since which time he has risen to President of the Greater Kansas City building and Construction Trades Council as well as Secretary-Treasurer and President of Teamsters Joint Council No. 56; and

WHEREAS, Bob Gillihan is exceedingly proud of the important roles he has played as Trustee for the pension health and welfare funds for Zenith Administrators, also known as the Mo-Kan Teamsters Trust Fund; member of the Parklane Hospital Board of Directors; and Commissioner for the Kansas City Area Transportation Authority, a position he has held since November of 1991; and

WHEREAS, Bob Gillihan has been abundantly blessed with the love, support, and encouragement he has continually received from his wonderful family which includes his devoted wife, Marlene; and his eight children, Pam, Pat, Kim, Kevin (deceased), Sean, Mike, Mark, and Brent:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty and robust congratulations to Bob Gillihan at this proud moment of well-deserved distinction, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Robert J. Gillihan, as a measure of our esteem for him.

Senator Goode offered Senate Resolution No. 1502, regarding Dr. Joan Hashimi, St. Louis, which was adopted.

Senator Goode offered Senate Resolution No. 1503, regarding Norman Flax, Ph.D., St. Louis, which was adopted.

Senator Flotron offered the following resolution:

#### SENATE RESOLUTION NO. 1504

##### Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 65 be amended to read as follows:

"Rule 65. **1.** To effect the passage of a bill on the final reading thereof, the vote shall be taken by yeas and nays, and the names of the senators voting for and against the same shall be entered and recorded in the Journal, and if a majority of the senators elected vote in favor thereof, the bill shall be declared passed.

**2. Floor amendments will not be in order on third reading and final passage, except that any member may offer an amendment or amendments for the portion of a joint resolution or bill to be submitted to the voters by the General Assembly that contains the proposed official summary statement and fiscal note summary. Such amendment may be further amended as provided by the rules of the Senate."**

#### CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 38

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code is being finalized during the spring of 2000; and

WHEREAS, the Governor's Commission for the Review and Formulation of Building Code Implementation was created in 1999 by Senate Concurrent Resolution; and

WHEREAS, the Commission held four hearings during 1999 and issued a preliminary report on December 1, 1999; and

WHEREAS, the Commission shall dissolve on May 31, 2000 unless its authority is extended:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Second Regular Session, Ninetieth General Assembly, the

House of Representatives concurring therein, request that the commission continue to solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make additional recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000, and then shall be dissolved May 31, 2001; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the Office of Administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

Senator Johnson assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SJR 53**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 826**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 826**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 826

An Act to repeal section 407.820, RSMo 1994, and sections 407.815, 407.816, 407.822 and 407.825, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 826** be adopted.

Senator Jacob offered **SS** for **SCS** for **SB 826**, entitled:

### SENATE SUBSTITUTE FOR

### SENATE COMMITTEE SUBSTITUTE FOR



## SENATE BILL NO. 826

An Act to repeal section 407.820, RSMo 1994, and sections 407.815, 407.816, 407.822, 407.825, 407.1000, 407.1005, 407.1010, 407.1015, 407.1020, 407.1025, 407.1028, 407.1031, 407.1034, 407.1037, 407.1040, 407.1043, 407.1046, 407.1049 and 621.053, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Jacob moved that **SS** for **SCS** for **SB 826** be adopted.

Senator Jacob offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 3, Section 407.815, Lines 16-18 of said page, by striking all of said lines and inserting in lieu thereof the following: "**motor vehicles or used motor vehicles taken in trade of new motor vehicles or used motor vehicles purchased for resale and who**"; and

Further amend said bill, Page 5, Section 407.815, Line 4 of said page, by striking the semicolon ";" and inserting in lieu thereof a period "."; and further amend lines 5-10 of said page, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 37, Section 407.923, Line 19, by inserting after all of said line the following:

"578.100. 1. Whoever engages on Sunday in the business of selling or sells or offers for sale on such day, at retail, [motor vehicles;] clothing and wearing apparel; clothing accessories; furniture; housewares; home, business or office furnishings; household, business or office appliances; hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs; is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a fine of not exceeding one hundred dollars, and for the second or any subsequent offense be sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not exceeding thirty days in the county jail in default thereof.

2. Each separate sale or offer to sell shall constitute a separate offense.

3. Information charging violations of this section shall be brought within five days after the commission of the alleged offense and not thereafter.

4. The operation of any place of business where any goods, wares or merchandise are sold or exposed for sale in violation of this section is hereby declared to be a public and common nuisance.

5. Any county of this state containing all or part of a city with a population of over four hundred thousand may exempt itself from the application of this section by submission of the proposition to the voters of the county at a general election or a special election called for that purpose, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of this section shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of

submission shall contain, but not be limited to, the following language:

FOR the exemption of ..... county from the Sunday sales law

AGAINST the exemption of ..... county from the Sunday sales law

If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of this section shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of this section shall continue to apply and be enforced within that county. The exemption of any county from the provisions of this section shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes.

6. In addition to any other method of exemption provided by law, the governing body of any county of this state may exempt itself from the application of this section by order or ordinance of the governing body of the county after public hearing upon the matter. Such public hearing shall be preceded by public notice which shall, at a minimum, be published at least three different times in the newspaper with the greatest circulation in the county. Upon such order or ordinance becoming effective, such county shall be exempt from the provisions of this section and no election or other method of exemption shall be required. The exemption of any county from the provisions of this section by order or ordinance shall not become effective in that county until the order or ordinance has been filed with the secretary of state and the revisor of statutes and has been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes.

[578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer, distributor or manufacturer licensed under section 301.559, RSMo, may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

2. No association consisting of motor vehicle dealers, distributors or manufacturers licensed under section 301.559, RSMo, shall be in violation of antitrust or restraint of trade statutes under chapter 416, RSMo, or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle.

3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.]; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered SA 3:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 38, Section 621.053, Line 2, by inserting immediately after all of said line the following:

**"Section 1. The provisions of section 407.825 of this act shall not apply to any dealer franchise sanctioned and approved by the Missouri department of revenue which sells vehicles provided by a manufacturer which assembles motor vehicles within the state of Missouri.";** and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 1, Line 3, by striking the word "not".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clay, House, Stoll and Jacob.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Mueller raised the point of order that **SA 1** to **SA 3** is out of order as the amendment is superfluous.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SA 3** was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Wiggins, Maxwell, Schneider and Stoll.

**SA 3** failed of adoption by the following vote:

YEAS--Senator Mueller--1			
NAYS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent--Senator Clay--1			
Absent with leave--Senators--None			

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 1, In the Title, Line 7, by striking the words "vehicle franchise practices" and inserting in lieu thereof the words "vehicles"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting after all of said line the following:

**"135.041. For tax years beginning on or after January 1, 2001, a taxpayer shall be allowed a refundable credit against the tax imposed by chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, pursuant to this section in an amount equal to the amount of personal property taxes levied on such taxpayer's motor vehicles by this state and municipalities in this state and timely paid by the taxpayer in the same taxable year for which the Missouri return is being filed. A taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return and shall attach a photocopy of such taxpayer's personal property tax receipt to such return; provided that, a taxpayer who fails to timely file such taxpayer's return shall not be eligible for a credit pursuant to this section. The department of revenue may promulgate such rules or regulations as are necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.";** and

Further amend the title, enacting clause and intersectional references accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 4** is out of order as the amendment goes beyond the original intent and purpose of the legislation.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bland offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 9, Section 407.817, Line 20, by inserting after all of said line the following:

**"407.818. No franchisee shall have a posted labor rate for motor vehicle repairs of more than ten times the federal minimum wage.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Jacob, **SB 826**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

#### REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1568**--Public Health and Welfare.

**HB 1596**--Financial and Governmental Organi-zation.

**HB 1948**--Transportation.

**HB 1077**--Local Government and Economic Development.

**HB 1808**--Pensions and General Laws.

**HB 1647**--Pensions and General Laws.

**HB 1841**--Agriculture, Conservation, Parks and Tourism.

**HB 1454**--Local Government and Economic Development.

**HB 1499**--Local Government and Economic Development.

**HB 1631**--Local Government and Economic Development.

**HB 1579**--Local Government and Economic Development.

**HB 1597**--Insurance and Housing.

**HB 1284**--Local Government and Economic Development.

**HB 1659**--Local Government and Economic Development.

**HS** for **HCS** for **HB 1242**--Local Govern-ment and Economic Development.

**HS** for **HB 1238**--Local Government and Economic Development.

**HS** for **HCS** for **HB 1481**--Insurance and Housing.

**HCS** for **HB 1434**--Pensions and General Laws.

**HS** for **HB 1615**--Civil and Criminal Juris-prudence.

## REFERRALS

President Pro Tem Quick referred **SCR 37** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SS No. 2** for **SJR 53** to the Committee on State Budget Control.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Leland O. Burch, Republican, Route 2, Butler, Bates County, Missouri 64730, as a member of the State Soil and Water Districts Commission, for a term ending May 2, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bruce E. Davis, Republican, 3509 Bray, Columbia, Boone County, Missouri 65203, as a member of the State Tax Commission, for a term ending January 23, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ida Goodwin Woolfolk, Democrat, 3438C Laclede Avenue, St. Louis City, Missouri 63103, as a member of the Missouri Community Service Commission, for a term ending October 15, 2001, and until her successor is duly appointed and qualified; vice, Barbara A. Washington, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 7, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen A. Winn, 814 Primrose, Jefferson City, Cole County, Missouri 65109, as a member of the Administrative Hearing Commission, for a term ending April 7, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 621.015.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl Lynn Bisbee, Republican, 330 North Askew, Kansas City, Jackson County, Missouri 64123, as a member of the Kansas City Board of Election Commissioners, for a term ending January 15, 2001, and until her successor is duly appointed and qualified; vice, Sarah Ingram-Eiser, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles E. Dumsky, Democrat, 106 South Forest, Sugar Creek, Jackson County, Missouri 64054, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2002, and until his successor is duly appointed and qualified; vice, William Alumbaugh, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William J. Hurley, Republican, 505 Pinewood Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri



Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine B. Leapheart, 213 Spalding Drive, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Training and Employment Council, for a term ending June 27, 2003, and until her successor is duly appointed and qualified; vice, Karla McLucas, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard C. Robinson, Sr., 4034 Prospect, Kansas City, Jackson County, Missouri 64130, as a member of the Missouri Board of Barber Examiners, for a term ending April 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kaye H. Steinmetz, 10335 Stoltz Drive, Rolla, Phelps County, Missouri 65401, as a member of the Children's Trust Fund Board, for a term ending September 15, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 210.170.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 10, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

O. Elaine West, 1401 Chestnut Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until her successor is duly appointed and qualified; vice, Lanny Ellis, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**RESOLUTIONS**

Senator Klarich offered Senate Resolution No. 1505, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David A. Bade, St. Louis, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Brian Polk, Piedmont.

On behalf of Senator Westfall and himself, Senator Caskey introduced to the Senate, Mary Ireland, Nevada.

Senator Caskey introduced to the Senate, sixty constituents from Bates, Cass and Johnson Counties, including his wife, Kay, Butler; Tommy and Phyllis Jones, Garden City; Amy Smith, Drexel; and eighteen students from the Raymore-Peculiar School District.

Senator Westfall introduced to the Senate, Debbie McGinnis, Bolivar; and Bonnie McCord and Charlie Johnson, Nevada.

Senator Maxwell introduced to the Senate, Brandt, Colby, Jacob and Andrea Willer, Mexico; and Colby and Jacob

were made honorary pages.

Senator Kinder introduced to the Senate, Rod Jetton, Marble Hill.

Senator House introduced to the Senate, his daughter, Cathy, St. Charles.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTY-THIRD DAY--TUESDAY, APRIL 11, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

E. Townley Lord asked: "How much of God's sunshine has entered your life? How much time have you spent in the radiance of his presence?"

Gracious God, as we continue our work this week we are so mindful of the draining pressures and demands that are beginning to increase around us. We need You to give us quietness and patience as we seek Your guidance and blessings in all that we do here. We recognize that the surest spiritual search is made in silence; help us to find such quietness in each day to wait upon You so that we might be refreshed for what lies ahead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

## RESOLUTIONS

Senator Clay offered Senate Resolution No. 1506, regarding the death of Reverend Earl Nance, Sr., St. Louis, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1507, regarding Dr. R. James Ottomeyer, III, O'Fallon, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1508, regarding Maxine Blount, O'Fallon, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1509, regarding SSM St. Joseph Health Center and SSM St. Joseph Hospital West, O'Fallon, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1510, regarding White Auto Body West, O'Fallon, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1511

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 18, 2000 from 9:00 A.M. to 3:00 P.M. and November 29 through December 2, 2000.

Senator Caskey offered Senate Resolution No. 1512, regarding Anita K. Godfrey, Warrensburg, which was adopted.

#### REPORTS OF STANDING COMMITTEES

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 1185**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 1186**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1376**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1802**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## SENATE BILLS FOR PERFECTION

**SB 930**, with **SCS**, was placed on the Informal Calendar.

Senator Stoll moved that **SJR 50** be taken up for perfection, which motion prevailed.

On motion of Senator Stoll, **SJR 50** was declared perfected and ordered printed.

At the request of Senator Mathewson, **SB 885**, with **SCS**, was placed on the Informal Calendar.

Senator Mathewson moved that **SB 902** be taken up for perfection, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Mathewson offered **SS** for **SB 902**, entitled:

### SENATE SUBSTITUTE FOR

#### SENATE BILL NO. 902

An Act to repeal sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to gaming, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Senator Mathewson moved that **SS** for **SB 902** be adopted.

Senator Mathewson offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 902, Page 43, Section 313.842, Line 6 of said page, by striking "313.822" and inserting in lieu thereof the following: "**313.820**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 902, Page 12, Section 313.812, Line 8, of said page, by inserting after "county" the following: "**.When determining where to locate a licensed excursion gambling boat, the commission shall give priority to those cities and counties where no current excursion gambling exists**".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 902, Page 7, Section 313.805, Line 14, by inserting after "boat" the following: "**. Cashless wagering systems including any type of preferred player card system may be used to enforce loss limits but shall not be used to collect identifying information about any player. Cashless wagering systems shall not collect or provide information to track or contact individual players in any way for any purpose. This does not preclude the commission from directing and supervising data collection for statistical purposes which does not identify any individual player**".

Senator Klarich moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Flotron offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 902, Page 1, Lines 4-5, by striking the words "but shall not be used to collect identifying information about any player"; and further amend said amendment, lines 6-7, by striking the words "or contact individual players in any way for any purpose" and insert in lieu thereof "**playing patterns or demographic information**".

Senator Flotron moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 1** to **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 902, Page 1, Section 313.805, Line 10, by adding: "unless the individual player waives in writing, this prohibition. No gaming operation or any employee of a gaming operation shall knowingly and purposefully solicit or encourage someone to come to the gaming facility if they know or should know that the individual player has or is experiencing financial distress due to gaming.".

Senator Ehlmann moved that the above substitute amendment be adopted.

At the request of Senator Ehlmann, **SSA 1** for **SA 1** to **SA 3** was withdrawn.

Senator Johnson assumed the Chair.

Senator Flotron offered **SSA 2** for **SA 1** to **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 902, Page 1, Section 313.805, Line 10, by adding: "unless the individual player waives in writing, this prohibition. No gaming operation or any employee of a gaming operation shall knowingly and purposefully solicit or encourage someone to come to the gaming facility if they know or should know that the individual player has or is experiencing financial distress due to gaming. The gaming commission shall promulgate rules to determine a standard for knowing and purposefully soliciting.".

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Mathewson, **SB 902**, with **SS**, **SA 3**, **SA 1** to **SA 3** and **SSA 2** for **SA 1** to **SA 3** (pending), was placed on the Informal Calendar.

Senator Stoll assumed the Chair.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by Senator Mathewson.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SJR 50**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 610**; and **SS** for **SCS** for **SBs 678** and **742**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SS No. 2** for **SJR 53**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1085**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

## **CONCURRENT RESOLUTIONS**

Senator Wiggins offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 39**

BE IT RESOLVED by the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

## **RESOLUTIONS**

Senator Wiggins offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 1513**



WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to recognize the lifetime achievements of an outstanding Missourian who positively touched the lives of countless individuals during his seventy-seven-year journey on this most precious earth; and

WHEREAS, the members of this legislative body were truly saddened to learn of the recent death of the Honorable Frank L. O'Gara, a former member of the Missouri House of Representatives who passed away on Sunday, February 27, 2000; and

WHEREAS, born in Kansas City to John and Josephine (Wall) O'Gara, Frank O'Gara graduated from Maur Hill, attended Rockhurst College and St. Benedict's College, and served his country as a member of the United States Coast Guard during World War II; and

WHEREAS, Democrat Frank O'Gara distinguished himself as Constable in the Magistrate Court from 1958 to 1962, during which time he did his utmost to meet the numerous obligations entrusted to him by the people; and

WHEREAS, after fulfilling his duties as Constable, Frank O'Gara went on to be elected in 1968 and again in 1972 to serve this great state as a member of the Missouri House of Representatives, where he was admired and respected as a true gentleman; and

WHEREAS, in addition to his affiliation with politics, Frank O'Gara contributed much of his time and energy operating several businesses and participating in the Catholic religion; and

WHEREAS, Frank O'Gara will be missed by his grieving family whose members include his loving wife, Patricia Ann Kramer; his children, John Joseph and Julie (Swope) O'Gara, Mary Josephine and Jeffrey Schenke, Frank L., Jr. (Buddy) and Marguerite (Passantino) O'Gara, and Patricia Ann and Ronald L. Jurgeson; his grandchildren, Bridget Marie, Jeffrey Francis, Patricia Josephine, Frank L. III, Rosalee Marie, Benjamin Patrick, Eric Kramer, Ronald Leo, and Abigail Marie; two sisters, Mary Jo Clune and Alice McCambridge; and many nieces and nephews:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the life and work of the late Frank O'Gara and to extend this legislative body's sincerest condolences to his family upon their tremendous personal loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Frank L. O'Gara.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1514

WHEREAS, Rose Kemp, a treasured resident of Kansas City, Missouri, will be honored by the Missouri Women's Council as the first recipient of the prestigious Rose Kemp Public Service Award during a glorious presentation to be held April 27, 2000; and

WHEREAS, appointed Regional Administrator of the Women's Bureau, United States Department of Labor, on May 15, 1983, Rose Kemp is responsible for policy development and the implementation of Women's Bureau and Department of Labor objectives and programs; and

WHEREAS, during her stellar career as a public servant, Rose Kemp has witnessed with pleasure many positive and progressive changes in the workplace including the passage of legislation which prohibits age discrimination in employment, and remains optimistic about the future and the continued efforts for women to achieve economic parity; and

WHEREAS, the 1992 Kansas City Career Woman of the Year, Rose Kemp is exceedingly proud of her affiliation with the University of Kansas; the National Youth Information Network; CORO; the Brown Foundation for Educational Equity, Excellence, and Research; the University of Missouri-Kansas City Women's Council; the Greater Kansas City Urban League; Jackson County Chapter of LINKS, Inc.; and the Francis Child Development Institute; and

WHEREAS, voted one of the 100 Most Influential Black Citizens in the Greater Kansas City area in 1993, 1994, 1996, 1997, and 1998, Rose Kemp is a proud recipient of the U.S. Department of Labor Distinguished Career Service Award, the 1991 Kansas City Spirit Award, the 1995 Missouri Department of Economic Development Leadership Award, the 1996 YWCA Hearts of Gold Award, the 1996 Alpha Kappa Alpha Community Service Award, and the National Association of Negro Business and Professional Women's Clubs, Inc.'s National Sojourner Truth Meritorious Service Award; and

WHEREAS, Rose Kemp looks forward to the future with great joy and anticipation and hopes to have enough determination to make tomorrow better than today - not only for herself and her family, but for all those whose lives she has touched:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty and robust congratulations to Rose Kemp upon her most worthy receipt of the very first Rose Kemp Public Service

Award, and in wishing her only the very best as she continues to serve as an inspiration to all those who know and love her; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Rose Kemp, as a measure of our esteem for her.

## SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 925**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SCS** for **SB 925**, entitled:

### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 925

An Act to amend chapter 262, RSMo, by adding thereto four new sections relating to the Missouri agricultural advocates office.

Senator Caskey moved that **SS** for **SCS** for **SB 925** be adopted.

Senator Howard offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 4, Section 262.756, Line 25, by striking the period, ".", and inserting in place thereof "; and"; and further amend said bill by inserting thereafter,

**"(18) An association which represents the statewide interests of cotton producers;"** and further amend said bill, section and page line 22 by striking the word "and".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 6, Section 262.759, Line 6, by inserting before said line the following:

**"32.045. 1. There is established within the office of administration the "Department of Revenue Oversight Board". The oversight board shall be composed of nine members, as follows:**

- (1) Seven members shall be individuals who are not otherwise state officers or employees and who meet the qualifications described in subsection 2 of this section and who are appointed by the governor with the advice and consent of the senate;**
- (2) One member shall be the director of revenue; and**
- (3) One member shall be an individual who is, and has been for at least five years prior to appointment, a full-time employee of the department of revenue and who shall be appointed by the governor with the advice and consent of the senate.**

**2. Members of the oversight board described in subdivision (1) of subsection 1 of this section shall be appointed**

without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the areas as follows:

- (1) At least one member shall have experience in the tax laws of this state, including tax administration and compliance;**
- (2) At least one member shall have experience in information technology;**
- (3) At least one member shall have experience in business organization and development in this state;**
- (4) At least one member shall have experience in addressing the needs and concerns of individual income taxpayers of this state;**
- (5) At least one member shall have experience in operating a business with fewer than twenty employees in this state;**
- (6) At least one member shall have experience in operating a business with more than twenty and fewer than one hundred employees, with a headquarters located within this state; and**
- (7) At least one member shall have experience in operating a business with more than one hundred employees, with a headquarters located within this state.**

**3. Each member of the board, other than the director of revenue, shall be appointed for a term of five years, except that of the members initially appointed to the board, two members shall be appointed for a term of two years, two members shall be appointed for a term of three years, two members shall be appointed for a term of four years, and two members shall be appointed for a term of five years. Such members shall not serve more than one five-year term. Any vacancy on the oversight board shall be filled by a person with expertise in the same area as the person's predecessor, and shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term and may be reappointed to one full five-year term at the end of the original term.**

**4. The oversight board shall oversee the department in its administration, management, conduct, direction, execution and application of the tax laws of this state. Specifically, the board shall be responsible for the following:**

- (1) Review and approval of department of revenue strategic plans, including the establishment of mission and objectives and standards of performance relative to either;**
- (2) Review of the department's operational functions, including any plans for tax system modernization, outsourcing, training and education;**
- (3) Overseeing management of the department by recommending candidates for the director of revenue position to the governor, recommending removal of the director, if necessary, and reviewing the selection and evaluation of the senior staff of the department;**
- (4) Reviewing and approving or disapproving any director's plan for major reorganization of the department to ensure such reorganization serves the best interests of the taxpayers of this state;**
- (5) Overseeing the department's budget requests through review and approval of such requests prior to submittal to the legislature, ensuring the budget requests support the department's strategic plan;**
- (6) Ensuring the proper treatment of taxpayers by auditors and other department employees.**

**5. Tax information deemed confidential under the provisions of section 32.057 shall remain confidential and**

disclosure of such confidential tax information shall be allowed to board members only in accordance with the provisions of section 32.057, unless a taxpayer specifically authorizes disclosure of tax information in writing. Upon receipt of a written disclosure authorization, the department shall provide tax information regarding the taxpayer to the board. Records pertaining to the overall operation of the department's tax collection and administration, the disclosure of which is not limited by section 32.057, shall be provided to any member of the board as soon as reasonably possible following receipt by the department of revenue of a written request for such information by the board member.

6. All actions of the board shall be approved by a simple majority vote of the board.

7. In accordance with the provisions of subdivision (6) of subsection 4 of this section, and notwithstanding the provisions of any other law to the contrary, the board shall review and approve any tax administration action or collection activity that impacts a large number of businesses within a particular industry or group of taxpayers prior to department of revenue taking such action or pursuing such activity. Some factors the board shall consider include:

- (1) Whether the action or activity is consistent with previous instructions given to members of the industry, both formal and informal, by the department of revenue through verifiable telephone conversations, informal letters or regulations promulgated by the department;
- (2) Whether the action or activity is consistent with previous industry practices with regard to the issue at hand, determined by testimony of other businesses in the same industry;
- (3) Whether the action or activity is consistent with any final decision issued by a court of competent jurisdiction or the administrative hearing commission regarding the issue at hand;
- (4) The monetary impact of the action or activity on the industry as a whole; and
- (5) Any other factor that, in the opinion of the board, should be considered in the interest of the fair treatment of taxpayers by the department of revenue.

8. If the board, by majority vote, determines that an action or activity of the department as determined under subsection 7 of this section is improper, the board shall have the authority to direct the department to follow a course of action deemed acceptable to a majority of the members of the board.

9. Any decision of the board shall be consistent with existing statutes and decisions of a court of competent jurisdiction or the administrative hearing commission regarding the issue.

10. Any decision of the board may be appealed to the administrative hearing commission in the same manner as the procedure provided for appeal of decisions of the director of revenue as provided in section 621.050, RSMo, provided that any such appeal is filed within sixty days of the date the decision is issued by the board.

11. Taxpayers may personally represent themselves in any proceedings of the board. In the case of a business, any owner, partner or officer of the company may represent the business in any proceedings of the board.

12. Each member of the board shall be reimbursed for reasonable and necessary expenses, including travel expenses, actually incurred in the performance of his or her official duties.

13. Meetings of the board shall be held at least once per month and shall be subject to the provisions of chapter 610, RSMo, regarding meetings of governmental bodies. Records shall be maintained of all meetings and shall be subject to the provisions of chapter 610, RSMo, regarding public records except where disclosure of such records would violate the provisions of section 32.057, in which case the provisions of section 32.057 shall prevail."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Caskey raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 2, Section 262.753, Lines 18-25, by deleting said lines and further amend said section, page 3, lines 1-3, by deleting them; and

Further amend title and enacting clause accordingly.

Senate Singleton moved that the above amendment be adopted, which motion failed.

Senator Caskey moved that **SS** for **SCS** for **SB 925**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SB 925**, as amended, was declared perfected and ordered printed.

Senator Mathewson moved that **SB 902**, with **SS**, **SA 3**, **SA 1** to **SA 3** and **SSA 2** for **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 2** for **SA 1** to **SA 3** was again taken up.

At the request of Senator Flotron, the above substitute amendment was withdrawn.

**SA 1** to **SA 3** was again taken up.

At the request of Senator Flotron, the above amendment was withdrawn.

**SA 3** was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Flotron offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 902, Page 10, Section 313.807, Line 9, by striking the opening bracket "[" on said line; and further amend line 10, by striking the closing bracket "]" on said line; and further amend lines 12 and 13, by striking said lines and inserting in lieu thereof the following: "two years. However, the commission".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 902, Page 22, Section 313.820, Line 19, by striking the words "one cent" and replacing them with the words "**two cents**"; and further amend said bill, said section, line 22, by inserting after "313.842" the words "**and used for the purpose authorized therein and for treatment of compulsive gamblers**

**who also abuse drugs and alcohol".**

Senator Howard moved that the above amendment be adopted, which motion failed.

President Pro Tem Quick assumed the Chair.

Senator Rohrbach offered **SA 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Bill No. 902, Page 1, In the Title, Line 8, by inserting after "provisions" the following: "and an emergency clause for a certain section"; and

Further amend said bill, Page 43, Section 313.842, Line 16, by inserting after all of said line the following:

**"313.918. 1. As used in this section, the following terms shall mean:**

**(1) "Bona fide member", a member of an organization recognized as charitable or religious pursuant to section 501(c)(3) or section 501(d) of the Internal Revenue Code, who has paid all required dues of the organization, who is eighteen years of age or older, who has equal voting rights with all other members, who has an equal opportunity to be an elected officer, who has equal rights and responsibilities of attendance at the regularly scheduled meetings of the organization, whose name and membership origination date appear with the member's knowledge and consent on a list of members of the organization, and who has been a member of the organization for at least six months;**

**(2) "Charitable organization", a not-for-profit organization recognized as charitable pursuant to section 501(c)(3) of the Internal Revenue Code;**

**(3) "Commission", the Missouri gaming commission;**

**(4) "Gross receipts", all receipts from the sale of raffles and any miscellaneous items associated with a raffle, excluding concessions;**

**(5) "Person", any individual, corporation, partnership, firm, association, limited liability company, organization, or other entity;**

**(6) "Prize", cash, gift certificate or item of personal property which shall be valued at its fair market value in a manner determined by the commission;**

**(7) "Raffle", a game in which tickets bearing a unique individual number are sold for good and valuable consideration and in which a prize or prizes are awarded on the basis of a random drawing from the tickets by the person or persons conducting the game, when the game is conducted by a charitable or religious organization, and when no person other than a bona fide member of the organization takes part in the conduct, management or operation of the game. A raffle does not include any gambling scheme which uses any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value;**

**(8) "Religious organization", a not-for-profit organization recognized as religious pursuant to section 501(c)(3) or section 501(d) of the Internal Revenue Code;**

**(9) "Supplies", materials only used solely and directly for raffles and sweepstakes purchased from a supplier licensed by the commission in the manner provided for bingo suppliers pursuant to section 313.057;**

**(10) "Sweepstakes", a legal contest or game in which a prize is distributed by lot or by chance and does not require participants to give good and valuable consideration in order to participate and win.**

**2. Charitable or religious organizations, organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license from the commission when such raffles are held in accordance with this section, other applicable laws, and the rules of the commission and when the value of all prizes from all such raffles held by the organization during the calendar year do not exceed five thousand dollars and the organization conducts no more than four raffles per calendar year. The charitable or religious organization may conduct multiple raffles once per calendar year in conjunction with a fair, festival, carnival or other event provided that the value of all prizes for all raffles conducted by the organization for the calendar year do not exceed five thousand dollars. Charitable or religious organizations conducting raffles without a license pursuant to this subsection are subject to the following restrictions:**

- (1) The books, paperwork, documents, rules and other materials used to conduct the raffle or raffles or related to raffles shall be open to inspection by the commission at any time;**
- (2) The premises on which the raffle is conducted shall be open to inspection by the commission at any time;**
- (3) Only bona fide members of the charitable or religious organization who are not paid for such services may participate in the conduct, management or operation of the raffle;**
- (4) All revenue from the raffle, after deducting the cost of prizes and supplies, shall be devoted solely to the charitable or religious purposes for which the organization qualifies as a charitable or religious organization;**
- (5) The organization conducting the raffle shall maintain records for a period of two years from the date each raffle is conducted which accurately show the gross receipts from each raffle, the uses to which those receipts have been put, the value of prizes awarded, and the names of persons to whom prizes have been awarded unless such prize is valued at less than one hundred dollars;**
- (6) A statement from the person responsible for managing the conduct of each raffle made available to the commission attesting that he or she has not pled guilty to or been convicted of a felony and has not pled guilty to or been convicted of any offense related to gambling;**
- (7) No person may participate in the management, conduct or operation of the raffle that meets the criteria set forth in subdivisions (1) through (8) of subsection 1 of section 313.035;**
- (8) The commission may impose a fine in an amount not to exceed one thousand dollars against any organization failing to comply with the provisions of this section; and**
- (9) Any organization that is discovered to have conducted a raffle without a license when a license was required to have been obtained, shall pay to the commission a fine, to be determined by the commission but not to exceed three times the amount of taxes that should have been paid pursuant to subsection 4 of this section.**

**3. A charitable or religious organization shall only be authorized to conduct a raffle or multiple raffles with annual prizes for all such raffles conducted by the organization valued in excess of five thousand dollars if such organization applies for and receives a license from the commission. The commission shall issue the license upon clear and convincing evidence that the organization is qualified and suitable for licensure, and upon receipt of a nonrefundable application fee of fifty dollars. Such evidence shall include a copy of the document from the Internal Revenue Service which grants the applicant tax-exempt status and a federal identification number, a copy of the articles of incorporation and certificate of incorporation, if applicable, and a statement as to whether the organization has had any previous application refused, revoked or suspended and other evidence required by the commission. The application form for licensure shall contain such information and be in a form as prescribed by the commission. Licensees shall be subject to the following provisions:**

- (1) An amount equal to at least fifty percent of the gross receipts from any raffle conducted by a charitable or religious organization whose prize exceeds fifteen thousand dollars shall be awarded as prizes, provided that prizes that are donated to the organization for use in the conduct of the raffle shall be valued at a fair market rate as determined by the commission;**

- (2) All licensees are required to keep the application information required by this section current. Any changes in the information submitted in the application shall be reported to the commission within thirty days. Failure to report such changes may be cause for discipline;**
- (3) Proceeds from the conduct of raffles shall not be used to pay for leasing or owning the premises where the raffle is conducted. Licensees shall provide to the commission, by March first of each year, a detailed statement of revenue and expenses for each raffle conducted during the previous calendar year;**
- (4) All revenue from the raffle, after deducting the cost of prizes and supplies, shall be devoted solely to the charitable or religious purposes for which the organization qualifies as a charitable or religious organization;**
- (5) Licensees shall provide additional information as reasonably requested by the commission;**
- (6) In addition to the license and fees required by this section, the licensee shall notify the commission of each subsequent raffle or sweepstakes event on forms provided by the commission at least ten days prior to the commencement of such event. The forms shall be accompanied by an event fee set by the commission not to exceed twenty-five dollars;**
- (7) Licensees shall acquire all supplies used for the conduct of the raffle from a supplier licensed by the commission;**
- (8) A holder of any license shall be subject to imposition of penalties, exclusion from the management, conduct or operation of charity games, suspension or revocation of any license, if applicable, or other action for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit charitable gaming operations in the state of Missouri unless the person proves by clear and convincing evidence that he or she is not guilty of such action. The commission shall take appropriate action against any licensee or person who violates the law or the rules and regulations of the commission. Without limiting other provisions of this section, the following acts or omissions may be grounds for such discipline:**
- (a) Failing to comply with or make provision for compliance with the provisions of this section, the rules and regulations of the commission or any federal, state or local law or regulation;**
- (b) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to charitable raffles or sweepstakes;**
- (c) Receiving or purchasing goods or services from a person or business entity who does not hold a supplier's license issued pursuant to this section;**
- (d) Association with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;**
- (e) Employing in any charity gaming operation any person known to have been found guilty of cheating or using any improper device in connection with any charity game;**
- (f) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to the provisions of this section;**
- (g) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;**
- (h) Incompetence, misconduct, gross-negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by the provisions of this section.**



**4. A tax is hereby imposed on all organizations required to be licensed by subsection 3 of this section in the amount of two percent of the value of all prizes awarded in conjunction with all raffles, to be paid in a manner prescribed by the commission.**

**5. Charitable or religious organizations are hereby authorized to conduct sweepstakes without obtaining a license from the commission when such sweepstakes are held in accordance with this subsection, other applicable laws, and rules of the commission. Charitable or religious organizations conducting sweepstakes pursuant to this subsection are subject to the following restrictions:**

**(1) The books, paperwork, documents, rules and other materials used to conduct the sweepstakes or related to the sweepstakes shall be open to inspection by the commission at any time;**

**(2) The premises on which the sweepstakes are conducted shall be open to inspection by the commission at any time;**

**(3) Only bona fide members of the charitable or religious organization who are not paid for such services may participate in the conduct, management or operation of the sweepstakes;**

**(4) Sweepstakes participants may not be required to give any thing of value in order to participate and win. Charitable or religious organizations conducting sweepstakes shall inform participants, in a prominent manner, that nothing of value is required to participate and win; and**

**(5) The person responsible for managing the conduct of each sweepstakes shall provide to the commission a statement attesting that he or she has not pled guilty to or been convicted of a felony and has not pled guilty to or been convicted of any offense related to gambling.**

**6. Any person who, with intent to defraud another person, makes, alters, forges, or counterfeits any raffle ticket, sweepstakes claim or other device used in conjunction with a raffle or sweepstakes that could affect the outcome of the raffle or sweepstakes, or who has in possession any forged, spurious, or altered raffle ticket or sweepstakes claim with the intent of, or with the result of, depriving another person of valuable consideration, is guilty of a class D felony.**

**7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

**8. Any person who violates any provisions of subsection 3 of this section shall be guilty of a class A misdemeanor.**

Section B. Because of the immediate need to implement safeguards in the establishment and operation of raffles and sweepstakes as authorized by constitutional amendment, section 313.918 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 313.918 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Carter offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 902, Page 43, Section 313.842, Line 14, by striking the words "or the gaming commission".

Senator Carter moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 902, Section 313.805, Page 7, Line 14, by inserting thereafter:

"(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time or in instances where the excursion gambling boat licensee is reissuing a card, requesting additional information about the patron, or issuing another form of identification containing identifying information about the patron. Such systems shall be submitted to the commission by October 1, 2000 and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in Sections 313.800 to 313.850, RSMo. This section shall not prohibit the commission from accessing identifying information for the purpose of enforcing Section 313.004 and Sections 313.800 to 313.850, RSMo"; and renumber the subsequent subdivisions accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 902, Page 43, Section 313.842, Line 16 of said page, by inserting immediately after said line the following:

**"313.843. Any excursion gambling boat, as defined in section 313.800, may offer child care services for its employees if licensed by the department of health pursuant to sections 210.201 through 210.259, RSMo. No child care services may be offered for children of excursion gambling boat patrons.";** and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Stoll assumed the Chair.

Senator Ehlmann offered **SA 1 to SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Bill No. 902, Page 1, Section 313.843, Line 8, after the word "patrons" by adding the following: "Unless said child care:

- 1) is licensed;
- 2) is separated as to sight and sound from the gaming activity;
- 3) closes no later than 11 p.m."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

**SA 9**, as amended, was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 902, Page 20, Section 313.815, Line 16 of said page, by striking the following: "the later of the time period approved by the commission or"; and further amend line 17 of said page, by striking the word "four" and inserting in lieu thereof the following: "**three**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SB 902**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SB 902**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

**SB 610**, introduced by Senators Staples and DePasco, entitled:

An Act to repeal section 302.020, RSMo Supp. 1999, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Staples.

On motion of Senator Staples, **SB 610** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Staples	Steelman	Stoll
Yeckel--21			
NAYS--Senators			
Bentley	Bland	Carter	Goode
Jacob	Mueller	Scott	Sims
Singleton	Westfall	Wiggins--11	
Absent--Senators			
Childers	Schneider--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SBs 678** and **742** was placed on the Informal Calendar.

**SS No. 2** for **SJR 53**, introduced by Senator Quick, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE JOINT RESOLUTION NO. 53

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri relating to changing the number of members of the house of representatives, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up.

At the request of Senator Quick, **SS No. 2** for **SJR 53** was placed on the Informal Calendar.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ann L. Dickinson, West Polk Street, Route 4, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2001, and until her successor is duly appointed and qualified; vice, Jerry Howard Green, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheri J. Leigh, P.E., 8308 Mercier, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Board for Architects, Professional Engineers, and Land Surveyors, for a term ending September 28, 2003, and until her successor is duly appointed and qualified; vice, Robert G. Wade, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Miguel P. Madrigal, Jr., Republican, 503 South Huttig, Independence, Jackson County, Missouri 64053, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until his successor is duly appointed and qualified; vice, Susan Powell, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Quick referred **SCR 38** to the Committee on Rules, Joint Rules and Resolutions.

### **REPORTS OF STANDING COMMITTEES**

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1591**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

## INTRODUCTIONS OF GUESTS

Senator DePasco introduced to the Senate, Sarah Rathke and Mike and Sue LaVota, Independence; and Sarah was made an honorary page.

Senator Ehlmann introduced to the Senate, the Physician of the Day, his brother-in-law, David Poggemeier, M.D. and his father-in-law, William D. Poggemeier, St. Charles.

Senator Mathewson introduced to the Senate, Angela Wingerter and Isaac Allen, Sedalia; and Isaiah David Dorsch, Napoleon; and Angela, Isaac and Isaiah were made honorary pages.

Senator Caskey introduced to the Senate, Jeremy Cover, Clinton.

Senator Maxwell introduced to the Senate, constituents from the northeast part of the Eighteenth Senatorial District.

Senator Bland introduced to the Senate, her granddaughter, Ashleigh Manlove, Kansas City; and Ashleigh was made an honorary page.

On behalf of Senator Russell and himself, Senator Maxwell introduced to the Senate, his mother-in-law, Jo Turchie, Camdenton.

Senator Kenney introduced to the Senate, Douglas, Kathryn, Jessica, Scott and Beverly Shane, Overland Park, Kansas; Scoop Stanisic, Blue Springs; and Jan Martinette, Grandview; and Douglas, Kathryn and Jessica were made honorary pages.

Senator Schneider introduced to the Senate, Betty Scheller and one hundred students from Walker Elementary School, Florissant; and Angie Sanderson, Sean Kelly, Ashley Wall and Ronni Wiseman were made honorary pages.

Senator Graves introduced to the Senate, eight fourth grade students from Spickard R-II School, Spickard.

Senator Maxwell introduced to the Senate, students from Atlanta Public Schools, Atlanta.

Senator Kinder introduced to the Senate, Kevin and Gina Schwab and Roger and Libby Williams, Fredericktown.

Senator Caskey introduced to the Senate, Clinton Satyavelu, Higginsville; and Jason Rathke, Knob Noster.

On behalf of Senator Schneider, the President introduced to the Senate, forty fifth and sixth grade students from St. Dismas School, Florissant; and Drew Gaydos, Nathan Vortmeier, Kerry Anderson and Emily Jordan were made honorary pages.

Senator Caskey introduced to the Senate, Sara Grimsley, Adrian R-III High School, Adrian; Kyle Lewis, Miami R-I High School, Amoret; Brett Griffith, Ballard R-II High School, Butler; Heather Goldammer, Butler R-V High School, Butler; Heather Pruitt, Hume R-VIII High School, Hume; and Amelia Schapeler, Rich Hill R-IV High School, Rich Hill.

Senator Westfall introduced to the Senate, Loraine Richardson, Nevada.

Senator Stoll introduced to the Senate, Russell and Rita Benz, Festus.

Senator Bentley introduced to the Senate, Amanda Callaway, Ginny Barnhart, Mark Ruzicka, Damon Ferlazzo, Jeff Smith, Virginia Rabe, Ember Stevens and Reverend and Mrs. Tranabarger, Springfield; and Amanda, Ginny, Mark,

Damon, Jeff, Virginia and Ember were made honorary pages.

Senator Russell introduced to the Senate, Marcia Mackie, Carol Ann Zarchry and members of the Sophomore Pilgrimage; and Lisa Owen, Jessica Lightbody and Ashley Carpenter were made honorary pages.

Senator Westfall introduced to the Senate, Alana Copeland, Nevada; Abbey Riley, Bronaugh; Cassie Jadlot, Sheldon; and Brad Newman and Loraine Richardson, Vernon County.

Senator Rohrbach introduced to the Senate, Caitlin and Dr. DeSpain, Columbia; and Caitlin was made an honorary page.

Senator Kenney introduced to the Senate, Lynda Elton and fourth grade students from Cordill-Mason Elementary School, Blue Springs; and David Cornelius, BreAnna Kratzer, Jonathan Platz, Rachel Sbisa and George Schmitz were made honorary pages.

Senator Bland introduced to the Senate, Linwood F. Tanheed, Kansas City.

Senator Howard introduced to the Senate, Phillip Dale, Doniphan; Robert Johnson, Malden; and Bobby Dicken, Poplar Bluff.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

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**FIFTY-FOURTH DAY--WEDNESDAY, APRIL 12, 2000**

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The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"We glory in tribulations also, knowing that tribulation produces patience and patience produces endurance and endurance produces hope and hope does not disappoint us." (Romans 5:3-4)

Heavenly Father, we know the cycles of life and the endless vexations in our work here and among our people. But we also know that such tribulations help us grow in Godly patience and we are better able to endure what comes our way and because of it we experience hope for a better future because of Your grace given to us. And so we thank You for this day and its opportunities whatever may come our way. In all this we give You thanks and praise. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

**Present--Senators**

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## **REPORTS OF STANDING COMMITTEES**

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:



Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1353**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1353, Page 1, Section 58.449, Line 5, by inserting after "accident," the following: "**spouse of or any family member related within the second degree of consanguinity to a person killed in the accident,**".

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1289**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1509**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1321**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1284**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1077**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1454**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **HB 1499** and **HB 1579**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1659**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 925**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Stoll moved that **SB 926**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 926** was again taken up.

Senator Goode offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 16, Section 163.031, Lines 4-25 of said page, by striking all of said lines; and

Further amend said bill, Page 17, Section 163.031, Lines 1-13 of said page, by striking all of said lines; and further amend by renumbering the remaining subdivisions accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Goode, **SA 5** was withdrawn.

Senator Goode offered **SA 6**, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 17, Section 163.031, Line 13 of said page, by inserting immediately after the word "section" the following: "**; provided that no addition in the payment amount of line 19 shall be made if the district elects, either by adoption of a resolution by the school board or by district voter approval of a majority of voters voting on an issue to forego the addition in the payment amount provided for in this subdivision**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 24, Section 163.031, Line 17 of said page, by inserting after all of said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. **Except as otherwise provided in subsection 3 of this section**, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils

shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

**3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.**

**(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.**

[3.] **4.** For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

Section B. Because of the need to ensure continued financial solvency of certain school districts, section 163.036 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 163.036 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 1, Section A, Line 3, by inserting after all of said line the following:

"99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the

completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts

are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments;

**(8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within ninety days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment thereto.**

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 24, Section 163.031, Line 17 of said page, by inserting after all of said line the following:

**"Section 1. The provisions of section 164.011, RSMo, to the contrary notwithstanding, any district which is participating in this act and fully in compliance with all requirements of teacher's salary compliance in the current year may transfer funds in the current year between teachers', incidental and capital projects funds without limitation.";** and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator Stoll moved that **SS for SCS for SB 926**, as amended, be adopted, which motion prevailed.

Senator Caskey requested a roll call vote be taken on the perfection of **SS** for **SCS** for **SB 926**, as amended, and was joined in his request by Senators Bentley, Childers, Kenney and Kinder.

On motion of Senator Stoll, **SS** for **SCS** for **SB 926**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	House
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Scott	Sims
Singleton	Staples	Stoll	Wiggins
Yeckel--21			
NAYS--Senators			
Caskey	Clay	Goode	Graves
Howard	Jacob	Kenney	Rohrbach
Russell	Schneider	Steelman	Westfall--12
Absent--Senator Johnson--1			
Absent with leave--Senators--None			

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 678** and **742**, introduced by Senator Schneider, entitled:

**SENATE SUBSTITUTE FOR**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE BILLS NOS. 678 and 742**

An Act to repeal sections 56.085, 196.790, 426.220, 426.230, 429.360, 479.150, 512.180, 512.190, 512.200, 512.210, 512.250, 512.270, 512.280, 512.290, 512.300, 512.310, 512.320, 516.500, 517.011, 534.350, 534.360, 535.110, 537.045, 541.020, 550.120, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 1994, and sections 43.503, 67.133, 104.312, 211.185, 302.535, 303.041, 351.025, 354.065, 452.556, 455.040, 455.050, 455.205, 479.500, 482.305, 482.330, 483.310, 483.500, 487.030, 514.440, 534.070, 534.380, 535.030, 537.675, 610.105 and 650.055, RSMo Supp. 1999, relating to judicial and administrative procedures, and to enact in lieu thereof fifty-one new sections relating to the same subject, with an effective date for certain sections.

Was called from the Informal Calendar and taken up.

On motion of Senator Schneider, **SS** for **SCS** for **SBs 678** and **742** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
Absent--Senator House--1  
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick moved that **SS No. 2** for **SJR 53** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Quick, **SS No. 2** for **SJR 53** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Goode	Johnson
Kinder	Klarich	Mathewson	Quick
Schneider	Scott	Sims	Singleton
Staples	Stoll	Wiggins--19	
	NAYS--Senators		
Bland	Caskey	Childers	Graves
Howard	Jacob	Kenney	Maxwell
Mueller	Rohrbach	Russell	Steelman
Westfall	Yeckel--14		
	Absent--Senator House--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 720** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 720**, entitled:

### SENATE SUBSTITUTE FOR



## SENATE BILL NO. 720

An Act to repeal section 149.071, RSMo 1994, relating to the sale of cigarettes, and to enact in lieu thereof one new section relating to the same subject.

Senator Caskey moved that **SS** for **SB 720** be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Klarich offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 720, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

"149.015. 1. A tax shall be levied upon the sale of cigarettes at an amount equal to eight and one-half mills per cigarette, until such time as the general assembly appropriates an amount equal to twenty-five percent of the net federal reimbursement allowance to the health initiatives fund, then the tax shall be six and one-half mills per cigarette beginning July first of the fiscal year immediately after such appropriation. As used in this section, "net federal reimbursement allowance" shall mean that amount of the federal reimbursement allowance in excess of the amount of state matching funds necessary for the state to make payments required by subsection 1 of section 208.471, RSMo, or, if the payments exceed the amount so required, the actual payments made for the purposes specified in subsection 1 of section 208.471, RSMo.

2. The tax shall be evidenced by stamps which shall be furnished by and purchased from the director or by an impression of the tax by the use of a metering machine when authorized by the director as provided in this chapter, and the stamps or impression shall be securely affixed to one end of each package in which cigarettes are contained. All cigarettes must be stamped before being sold in this state.

3. Cigarette tax stamps shall be purchased only from the director. All stamps shall be purchased by the director in proper denominations, shall contain such appropriate wording as the director may prescribe, and shall be of such design, character, color combinations, color changes, sizes and material as the director may, by his rules and regulations, determine to afford the greatest security to the state. It shall be the duty of the director to manufacture or contract for revenue stamps required by this chapter; provided that if the stamps are contracted for, the manufacturer thereof shall be within the jurisdiction of the criminal and civil courts of this state, unless the stamps cannot be obtained in this state at a fair price or of acceptable quality. If stamps are manufactured outside of the state, the director shall take any precautions which he deems necessary to safeguard the state against forgery and misdelivery of any stamps. The director may require of the manufacturer from whom stamps are purchased a bond in an amount to be determined by him commensurate with the monetary value of the stamps, containing such conditions as he may deem necessary in order to protect the state against loss.

4. It shall be the intent of this chapter that the impact of the tax levied hereunder be absorbed by the consumer or user and when the tax is paid by any other person, the payment shall be considered as an advance payment and shall thereafter be added to the price of the cigarettes and recovered from the ultimate consumer or user with the person first selling the cigarettes acting as an agent of the state for the payment and collection of the tax to the state, except that in furtherance of the intent of this chapter no refund of any tax collected and remitted by a retailer upon gross receipts

from a sale of cigarettes subject to tax under this chapter shall be claimed under chapter 144, RSMo, for any amount illegally or erroneously overcharged or overcollected as a result of imposition of sales tax by the retailer upon amounts representing the tax imposed under this chapter.

5. In making sales of cigarettes in the state, a wholesaler shall keep a record of the amount of tax on his gross sales. The tax shall be evidenced by appropriate stamps attached to each package of cigarettes sold. **Notwithstanding anything in this chapter to the contrary, no such stamp need be attached to a package of cigarettes transported in the state between distributors unless and until such package is sold to a retailer or consumer.**

6. The tax on any cigarettes contained in packages of four, ten, twenty or similar quantities to be used solely for distribution as samples shall be computed on a per cigarette basis at the rate set forth in this section, and payment of the tax shall be remitted to the director at such time and in such manner as he may prescribe.

7. The revenue generated by the additional two mills tax imposed effective August 13, 1982, less any three percent reduction allowed under the provisions of section 149.021, shall be placed in a separate fund entitled "The Fair Share Fund". Such moneys in the fair share fund shall be distributed to the schools in this state on an average daily attendance basis, except as provided in section 163.031, RSMo.

8. The revenue generated by the additional two mills tax imposed effective October 1, 1993, less any three percent reduction allowed under the provisions of section 149.021, shall be deposited in the health initiatives fund created in section 191.831, RSMo. When the general assembly appropriates an amount equal to twenty-five percent of the net federal reimbursement allowance to the health initiatives fund, this subsection shall expire. The additional two mills tax levied under this section shall not apply to an amount of stamped cigarettes in the possession of licensed wholesalers on October 1, 1993, up to thirty-five percent of the total cigarette sales made by such licensed wholesaler during the six months immediately preceding October 1, 1993."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate bill No. 720, Page 7, Section 149.071, Line 1 of said page, by inserting after all of said line the following:

**"Section 1. The provisions of subsection 2 to 9 of section 149.071, RSMo, shall only become effective when all tobacco product manufacturers manufacturing cigarettes for distribution and sale in this state certify to the director of revenue that any manufacturers rebates or buy downs offered to retailers as an incentive to sell such manufacturers tobacco products are offered equally to all retailers selling such manufacturers tobacco products in this state.";** and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Ehlmann, Mueller and Sims.

Senator Mathewson assumed the Chair.

**SA 2** failed of adoption by the following vote:

YEAS--Senators

DePasco	Ehlmann	Goode	Graves
Kenney	Mueller	Schneider	Singleton--8
	NAYS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	Flotron	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Flotron offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 720, Page 7, Section 149.071, Line 1, by adding after said line the following:

**"11. The provisions of subsections 2 through 10 of this act shall not apply to cigarettes for which payments are made pursuant to sections 196.1000 through 196.1003 RSMo, the director of revenue shall certify those cigarettes for which payment is made."**

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 720**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1486**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1647**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1097**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 902**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1515, regarding Leona G. Gradel, Freeburg, which was adopted.

Senator Bland offered Senate Resolution No. 1516, regarding Floyd Nicholson, Kansas City, which was adopted.

## SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 772** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

On motion of Senator Goode, **SB 772** was declared perfected and ordered printed.

Senator Klarich moved that **SB 744** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 744, Page 1, In the Title, Line 3, by inserting after "subject" the following: ", with a referendum clause"; and

Further amend said bill, page 1, Section 451.022, Line 6, by inserting after all of said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Ehlmann and Kinder.

Senator Stoll assumed the Chair.

**SA 1** was adopted by the following vote:

#### YEAS--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	House	Howard	Kenney
Kinder	Klarich	Rohrbach	Russell
Singleton	Steelman	Westfall	Wiggins
Yeckel--17			

#### NAYS--Senators

Bland	Carter	Caskey	Clay
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Goode	Jacob	Johnson	Maxwell
Mueller	Quick	Schneider	Scott
Sims	Stoll--14		
	Absent--Senators		
DePasco	Mathewson	Staples--3	
	Absent with leave--Senators--None		

Senator Childers offered **SA 2:**

## SENATE AMENDMENT NO. 2

Amend Senate Bill No. 744, Page 1, Section 451.022, Line 6, by inserting after all of said line the following:

"451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon [the expiration of three days after] the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, [without waiting three days,] such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3:**

## SENATE AMENDMENT NO. 3

Amend Senate Bill No. 744, Page 1, Section A, Line 2 and insert the following immediately after said line:

**"144.049. 1. This act shall be known as the Family Help Act as follows. There is hereby specifically exempted from the provisions of the state sales and use tax law in sections 144.010 to 144.811, and the local sales and use tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.811, and from the computation of the tax levied, assessed or payable pursuant to both state and local sales and use tax law, all retail sales of any article of clothing having a taxable value of one hundred dollars or less during the period beginning 12:01 a.m. on the first Saturday in August through midnight on the second Sunday in August. For purposes of this section, the term "clothing" means any article of wearing apparel, including footwear, intended**

to be worn on or about the human body. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands or belt buckles. Any local sales tax revenue lost due to the implementation of the sales tax holiday period defined in this section will be reimbursed by the state and every local political subdivision held harmless.

**2. The provisions of this section shall expire July first next following the effective date of this section.**

Section B. Because immediate action is necessary to prevent the imposition of sales tax on retail sales of clothing, the enactment of section 144.049 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 144.049 shall be in full force and effect July 1, 2000, or upon its passage and approval, whichever later occurs."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 3** is out of order as the amendment goes beyond the scope and purpose of the original legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Bill No. 744, Page 1, Section A, Line 2, by inserting after all of said line the following:

**"170.038. 1. The department of elementary and secondary education shall, no later than July 1, 2001, establish a model Respect for Marriage curriculum.**

**2. After approval of said curriculum by concurrent resolution of the General Assembly, all school districts shall ensure that all regular courses of instruction in health at all district schools in one or more grade levels established by the district shall include a program of instruction, in the high school health curriculum which incorporates the respect for marriage curriculum or another curriculum which includes substantially similar content and which shall include, at a minimum:**

**(1) Substantive discussion of the fundamental role of the marriage of a man and a woman as a building block of family and social order in all societies;**

**(2) Examination and discussion of the harmful effects of divorce upon individuals and society;**

**(3) Exploration of the hardships faced by single-parent families; and**

**(4) Education about domestic conflict management."; and**

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Bill No. 744, Page 1, Section 451.022, Line 6 by adding:

"5. This provisions of this act shall be valid notwithstanding Article IV, Section 1, of the United States Constitution."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 5** was withdrawn.

At the request of Senator Klarich, **SB 744** was placed on the Informal Calendar.

## RESOLUTIONS

Senator Flotron moved that **SR 1504** be taken up for adoption, which motion prevailed.

Senator Flotron offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1504, Page 647 of the Senate Journal for Monday, April 10, 2000, Lines 1 and 2 of paragraph 2 of resolution 1504, by deleting said lines and inserting in lieu thereof the following:

"2. Any member may offer an".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Flotron, **SR 1504**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Jacob	Schneider--2		
Absent--Senators			
Ehlmann	Rohrbach	Staples--3	
Absent with leave--Senators--None			

## SENATE BILLS FOR PERFECTION

Senator Goode moved that **SJR 35**, with **SS** and **SS No. 2** for **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SS** for **SJR 35** was taken up.

Senator Clay assumed the Chair.

At the request of Senator Schneider, **SS No. 2** for **SS** for **SJR 35** was withdrawn.

**SS** for **SJR 35** was again taken up.

At the request of Senator Goode, **SS** for **SJR 35** was withdrawn.

Senator Schneider offered **SS No. 2** for **SJR 35**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Senator Schneider moved that **SS No. 2** for **SJR 35** be adopted.

Senator Jacob assumed the Chair.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Joint Resolution No. 35, Page 1, Line 7, by adding after the word "Missouri" the following "on the same election day".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Joint Resolution No. 35, Page 3, Section 3, Line 6 of said page, by deleting the word "twelve" on said line and inserting in lieu thereof the word "eight"; and

Further amend said bill, page and section, line 7 of said page, by deleting the word "six" on said line and inserting in lieu thereof the word "four".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SS** for **SS No. 2** for **SJR 35**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials and adopting one new section in lieu thereof relating to the same subject.

Senator Clay moved that **SS** for **SS No. 2** for **SJR 35** be adopted.

Senator Howard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute No. 2 for Senate Joint Resolution No. 35, Page 6, Section 3.8, Line 23,



by inserting after the period on said line the following: "all increases shall be subject to appropriation".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Clay moved that **SS** for **SS No. 2** for **SJR 35**, as amended, be adopted, which motion failed.

Senator Clay offered **SS No. 2** for **SS No. 2** for **SJR 35**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE NO. 2 FOR

SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials and adopting one new section in lieu thereof relating to the same subject.

Senator Clay moved that **SS No. 2** for **SS No. 2** for **SJR 35** be adopted, which motion failed.

**SS No. 2** for **SJR 35**, as amended, was again taken up.

Senator Schneider moved that **SS No. 2** for **SJR 35**, as amended, be adopted.

The Chair called for the ayes and noes on the question and announced that the noes appeared to have it.

Senator Schneider rose seeking recognition.

The Chair announced the noes have it.

Senator Schneider raised the point of order that the announcement of the vote is out of order when a Senator has been recognized prior to the vote being announced.

The Chair stated that Senator Schneider had not been recognized and referred the point of order to the President Pro Tem.

The President Pro Tem took the point of order under advisement, which placed the joint resolution on the Informal Calendar.

## REPORTS OF STANDING COMMITTEES

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 1428**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2 and 3, and be placed on the Consent Calendar.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1428, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following:

"To repeal section 294.011, RSMo Supp. 1999, and to enact in lieu thereof two new sections relating to certain employees, with an emergency clause for a certain section."; and

Further amend said bill and page, Section A, Lines 1-2, by striking all of said lines and inserting in lieu thereof the

following:

"Section A. Section 294.011, RSMo Supp. 1999, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.900 and 294.011, to read as follows:"; and

Further amend said bill, Page 2, Section 8.900, Line 16, by inserting immediately after said line the following:

"294.011. As used in this chapter, the following terms mean:

- (1) "Child", an individual under sixteen years of age;
- (2) "Commission", the labor and industrial relations commission;
- (3) "Department", the department of labor and industrial relations;
- (4) "Department director", the director of the department of labor and industrial relations;
- (5) "Director", director of the division of labor standards;
- (6) "Division", the division of labor standards;
- (7) "Employ", engage a child in gainful employment for wages or other remuneration except where the child is working under the direct control of the parent, legal custodian or guardian of the child. The term "employ" shall not include the performance of the following services by a child twelve years of age or older:
  - (a) The delivery or sales of newspapers, magazines or periodicals;
  - (b) Child care;
  - (c) Occasional yard or farm work performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian. Such work shall include the use of lawn and garden machinery in domestic service at or around a private residence, provided that, there shall be an agreement between an occupant of the private residence and the child, and by no other person, firm or corporation, other than a parent, legal custodian or guardian of the child, for the performance of such work;
  - (d) Participating in a youth sporting event as a [player,] referee, coach or other position necessary to the sporting event; except that, this paragraph shall not include working at a concession stand. For purposes of this paragraph, "youth sporting event" means an event where all players are under the age of eighteen and the event is sponsored and supervised by a public body or a not for profit entity; or
  - (e) Any other part-time employment performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian not specifically prohibited by section 294.040.

Section B. Because immediate action is necessary to allow the department of labor and industrial relations to implement the cost savings and efficiencies provided by this legislation for fiscal year 2000, section 294.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 294.011 of this act shall be in full force and effect upon its passage and approval or July 1, 2000, whichever occurs later."

#### SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1428, Page 1, Section 8.900, Line 5, by striking the following: "a member"; and further amend lines 6-7, by striking all of said lines and inserting in lieu thereof the following: **"two members of the house of representatives, one from each political party, selected by the speaker of the house and two members of the senate, one from each political party, selected by the president pro tem of the senate. The"**.

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Bill No. 1428, Page 1, Section 8.900, Lines 1-2, by striking "killed or injured on the job in the state of Missouri" and inserting in lieu thereof the following: **"who were killed on the job in Missouri or who suffered an on-the-job injury that resulted in a permanent disability"**.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laura A. Estabrooks, 10351 Kings Lane West, Rocheport, Boone County, Missouri 65279, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol Ann Freeman, 6273 Highway MM, Cabool, Texas County, Missouri 65689, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry L. Hendren, 210 South Glenwood Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Board of Geologist Registration, for a term ending April 11, 2003, and until his successor is duly appointed and qualified; vice, Lem Hutton, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas A. Herrmann, Democrat, 707 Dutch Mill Drive, Ballwin, St. Louis County, Missouri 63011, as a public member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peggy D. Loman, 523 East 129th Terrace, Kansas City, Jackson County, Missouri 64145, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Davis D. Minton, Democrat, 401 South Mulberry, Apartment B, Dexter, Stoddard County, Missouri 63841, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 12, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kristin M. Perry, Republican, 15068 Pike 138, Post Office Box 418, Bowling Green, Pike County, Missouri 63334, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2004, and until her successor is duly appointed and qualified; vice, Lynn Fahrmeier, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Quick referred **SS** for **SCS** for **SB 925** and **SS** for **SB 902** to the Committee on State Budget Control.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Jacob, Chairman of the Committee on Insurance and Housing, Senator DePasco submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1739**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1544**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### **RESOLUTIONS**

Senator Staples offered Senate Resolution No. 1517, regarding Jessica Spurgin, Eminence, which was adopted.

Senator Staples offered Senate Resolution No. 1518, regarding John M. Swain, Bonne Terre, which was adopted.

### **COMMUNICATIONS**

Senator Rohrbach submitted the following:

April 12, 2000

Ms. Terry Spieler

Secretary of Senate

Room 325

State Capitol Bldg.

Dear Ms. Spieler:

I ask that SCS for HB 1499 & 1579 be removed from the Senate Consent calendar.

Sincerely,

/s/ Larry Rohrbach

Larry Rohrbach

### **INTRODUCTIONS OF GUESTS**

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Thomas Saak, M.D., Ellisville.

Senator Flotron introduced to the Senate, Jim and John Ebling, St. Louis County.

Senator Childers introduced to the Senate, Rhonda, Brittany and Ryan Stockton, Cassville; and Brittany and Ryan were made honorary pages.

Senator Steelman introduced to the Senate, Mrs. Davis, Mrs. Samson and first and second grade students from St. George School, Linn.

Senator Mueller introduced to the Senate, David, Morissa and Sam Pepose, Tania Michalicek, Susan Feigenbaum and Dr. Jay Pepose, Town and Country; and David, Morissa, Sam and Tania were made honorary pages.

Senator Maxwell introduced to the Senate, Jean and Todd Dudgeon and Heather and Alissa Eagen, Kirksville; and Heather and Alissa were made honorary pages.

On behalf of Senator House, Senator Maxwell introduced to the Senate, Senator House's daughter, Catherine, St. Charles; and Maureen and Edward Buscher, Warrenton.

Senator Wiggins introduced to the Senate, Mr. and Mrs. Walter May, Kansas City.

Senator Schneider introduced to the Senate, Kim Besserman, St. Louis.

Senator Westfall introduced to the Senate, Sam Schaumann and thirty-five members of the Show-Me Challenge Program.

Senator Steelman introduced to the Senate, eighth grade students from Licking.

Senator Childers introduced to the Senate, Larry Lafferty and twelve students from Plainview School, Douglas County.

Senator Caskey introduced to the Senate, Jack Wagner, Adrian.

Senator Kenney introduced to the Senate, his wife, Sandi, and their children, Carlton and Elizabeth; and Kirsten Anderson, Jake Jenkins, John, Martha, Alex, Kelly and Heather Conrad, Brian, Jina, Austin and Georgia Rookstool, Vicki and Ben Akers and Carol and Samantha Getty, Lee's Summit; and Alex, Kelly, Heather, Austin, Georgia, Ben, Samantha, Carlton, Elizabeth, Kirsten and Jake were made honorary pages.

Senator Johnson introduced to the Senate, Angie Rhoad and Rochele Allwood, Maysville; Beth Sharp, Cheri Morton and Cindy Flanagan-Nulph, St. Joseph; and Dave Leyland, Savannah.

On behalf of Senator Mathewson, the President introduced to the Senate, his wife, Doris, Dr. Bill and Linda Curwood and twenty-eight members of the First Christian Church, Sedalia.

Senator Howard introduced to the Senate, Ken Thompson, Malden; Sharon Montgomery, Kennett; and Paula Kinchen, Dexter.

Senator Caskey introduced to the Senate, Barton Thomason, Harrisonville; and John West, Belton.

Senator Yeckel introduced to the Senate, Dana Lenzen, St. Louis County.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTY-FIFTH DAY--THURSDAY, APRIL 13, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"For which cause we faint not, but through our outward man perish, yet the inward man is renewed day by day." (2 Corinthians 4:16)

Creator God, we are marvelously made, yet time and stress take their toll on our bodies and as we end a week of work we need this weekend with You to renew our inner person. We pray, nourish and strengthen us daily by remembrance of Your divine love giving us joyful hope we can bring to all we do and to those we encounter. And make us mindful of the sacrifice of our families while we serve here and the need of the comfort of Your word shared together with those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bland--1

The Lieutenant Governor was present.

## CONCURRENT RESOLUTIONS

Senator House offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 40

WHEREAS, last session, in Senate Bill No. 386, the General Assembly recognized changes made by the United States Congress to Section 451(h) of the Internal Revenue Code, which allow for favorable tax treatment for those pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities who elect to receive a single cash payment of the remaining value of their prize within the eighteen-month



period between July 1, 1999, and December 31, 2000; and

WHEREAS, as a result of the passage of Senate Bill No. 386 and the signature of such bill by the governor, section 313.351 became law effective August 28, 1999; and

WHEREAS, section 313.351 allows the state lottery commission to authorize pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities to elect a single cash payment in lieu of remaining annual payments upon presentation of a plan to the general assembly and receipt of approval therefor from the general assembly by concurrent resolution; and

WHEREAS, the state lottery commission has submitted to the president pro tempore of the senate, the speaker of the house of representatives and the commissioner of the office of administration the details of its plan to allow state lottery prize winners who are currently receiving annual payments to receive the present value of the remaining payments at the date of execution a single cash payment in lieu of remaining annual payments pursuant to Section 451(h) of the Internal Revenue Code; and

WHEREAS, the plan specifies all details required by section 313.351, including details on obtaining the funds necessary to present the option of single cash payments to pre-October 22, 1998, lottery winners, data indicating fifty percent of such winners will choose a lump-sum option, data indicating that a one-time increase of total state revenues would occur in an approximate amount of four million six hundred thousand dollars and the lottery's belief that offering the single cash payments will provide a valuable service to lottery winners:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby determine that the state lottery commission's plan complies with the requirements of section 313.351, and that approving such plan will provide a valuable service to lottery winners which, in turn, will serve to further education in this state; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby approve the state lottery commission's plan for implementing lump-sum payments for pre-October 21, 1998, lottery winners.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of the state of Missouri and the State Lottery Commission.

Senator Wiggins moved that **SCR 39** be taken up for adoption, which motion prevailed.

On motion of Senator Wiggins, **SCR 39** was adopted by the following vote:

	YEAS--Senators		
Carter	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Ehlmann	Schneider--3	
	Absent with leave--Senator Bland--1		

## REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1465**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1848**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1596**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1875**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1875, Page 2, Section 29.230, Line 31, by inserting immediately after said line the following:

**"3. Upon receipt by the state auditor of a petition signed by the requisite percent of the qualified voters of the political subdivision, the city clerk or similar designee of a political subdivision may review the petition to ensure the persons signing the petition are qualified voters of the political subdivision. The city clerk or similar designee shall provide any information relating to the validity of such signatures to the state auditor within ten days of the receipt of such petition."**; and further amend Line 33, by inserting immediately after "audit." the following: **"Any circulator requesting an audit shall provide the reasons for the audits to be performed to the state auditor."**; and further amend Line 34, by inserting immediately after the word "face" the following: **"the reasons for the audit to be performed,"**; and further amend Line 35, by inserting immediately after "audited." the following: **"Any circulator shall inform persons signing the petition of the nature and reasons for the audit as stated on the petition."**

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1396**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS for SCS for SB 925**; **SS for SB 902**; and **SS for SCS for SB 577**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 772** and **SS for SCS**

for **SB 926**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Quick referred **SB 772** and **SS** for **SCS** for **SB 926** to the Committee on State Budget Control.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SB 577**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 577

An Act to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546 and 260.569, RSMo 1994, and sections 260.475, 260.479, 260.500 and 640.010, RSMo Supp. 1999, relating to the creation of a drycleaning solvent cleanup fund, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with an expiration date.

Was taken up.

Senator Johnson assumed the Chair.

Senator Clay assumed the Chair.

On motion of Senator Maxwell, **SS** for **SCS** for **SB 577** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Graves	Kenney	Steelman--3	
Absent--Senators--None			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

**SJR 50**, introduced by Senator Stoll, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri relating to bingo, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Stoll, **SJR 50** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Caskey	Kenney	Singleton--3	
Absent--Senators--None			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 925**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 925

An Act to amend chapter 262, RSMo, by adding thereto four new sections relating to the Missouri agricultural advocates office.

Was taken up.

President Pro Tem Quick assumed the Chair.

On motion of Senator Caskey, **SS** for **SCS** for **SB 925** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Mueller
Quick	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall

Wiggins	Yeckel--26		
	NAYS--Senators		
Bentley	Flotron	Klarich	Maxwell
Rohrbach	Sims	Singleton--7	
	Absent--Senators--None		
	Absent with leave--Senator Bland--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SS** for **SB 902**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 902

An Act to repeal sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to gaming, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up.

On motion of Senator Mathewson, **SS** for **SB 902** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Graves	House
Jacob	Johnson	Kinder	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Staples
Stoll	Wiggins--22		
	NAYS--Senators		
Caskey	Childers	Goode	Howard
Kenney	Klarich	Russell	Singleton
Steelman	Westfall	Yeckel--11	
	Absent--Senators--None		
	Absent with leave--Senator Bland--1		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
Jacob	Johnson	Kenney	Kinder

Mathewson	Maxwell	Mueller	Quick
Rohrbach	Scott	Sims	Staples
Stoll	Westfall	Wiggins--23	
	NAYS--Senators		
Caskey	Childers	House	Howard
Klarich	Russell	Schneider	Singleton
Steelman	Yeckel--10		
	Absent--Senators--None		
	Absent with leave--Senator Bland--1		

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

At the request of Senator Jacob, **SB 980**, with **SCS**, was placed on the Informal Calendar.

Senator Jacob moved that **SB 1016** be taken up for perfection, which motion prevailed.

Senator Jacob offered **SS** for **SB 1016**, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE BILL NO. 1016

An Act to amend chapter 144, RSMo, relating to sales and use tax by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year, with an emergency clause.

Senator Jacob moved that **SS** for **SB 1016** be adopted.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Maxwell offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1016, Page 1, Section A, Line 3, by inserting after all of said line the following:

**"135.760. 1. For all taxable years beginning on or after January 1, 2001, a resident individual who is allowed a federal earned income tax credit pursuant to section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to two and one-half percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer or carried forward into any subsequent taxable year.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the**

**provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists.**

**4. Any tax credit allowed pursuant to this section shall be excluded from the calculation of Missouri adjusted gross income, as defined in section 143.121, RSMo."; and**

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Singleton raised the point of order that **SA 1** is out of order as the amendment exceeds the title and the content of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Maxwell assumed the Chair.

Senator Stoll assumed the Chair.

Senator Rohrbach offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1016, Page 2, Section 144.049, Line 16, by inserting immediately after said line the following:

"306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number under section 306.030 and all applicable state and local or in lieu watercraft taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes or in lieu watercraft taxes have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a coowner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

[2. A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

#### PURCHASE PRICE OF TAX DUE

##### WATERCRAFT

\$50,000 or less \$ 650.00

\$50,001 to \$100,000 1,250.00

\$100,001 to \$150,000 1,850.00

\$150,001 to \$200,000 2,450.00

\$200,001 and above 3,050.00]

[3.] **2.** The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

[4.] **3.** The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued under this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

[5.] **4.** Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of



registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

[6.] **5.** The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation.

**6. This section shall become effective on October 1, 2000."**; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order as it goes beyond the scope, title and purpose of the original bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

Senator Goode moved that **SJR 35**, with the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Schneider, the pending point of order was withdrawn.

Senator Schneider offered **SS No. 3** for **SJR 35**, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Senator Schneider moved that **SS No. 3** for **SJR 35** be adopted.

Senator Goode offered **SS** for **SS No. 3** for **SJR 35**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE NO. 3 FOR

SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Senator Goode moved that **SS** for **SS No. 3** for **SJR 35** be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SS No. 3** for **SJR 35** was declared perfected and ordered printed.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1363**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1948**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Jacob assumed the Chair.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Margaret J. May, James L. Hill, Maureen M. Buscher, Jean M. Dudgeon, John J. Ebeling, Robert C. Mueller, Phyllis Woollen Markus and Rhonda K. Stockton, as members of the Missouri Citizen's Commission on Compensation for Elected Officials;

Also,

Nonaresa Montgomery, as a public member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Janet S. Sanders, as a member of the Central Missouri State University Board of Governors;

Also,

Susan K. Feigenbaum, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Michele S. Ohmes, as a member of the Missouri Training and Employment Council;

Also,

Kathleen A. Coleton, as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Melva L. Ware, as a member of the Minority Environmental Literacy Advisory Committee;

Also,

Michael R. Mahler, as a member of the Missouri Fire Safety Advisory Board;

Also,

Cassandra C. Herrman, as a member of the Missouri Community Service Commission;

Also,

Joseph M. Ojile, as a member of the Advisory Commission for Physician Assistants.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **RESOLUTIONS**

Senator Mathewson offered Senate Resolution No. 1519, regarding Harold Harden, Lexington, which was adopted.

Senator Schneider offered Senate Resolution No. 1520, regarding Adam Daniel Baer, St. Louis, which was adopted.

Senator DePasco offered Senate Resolution No. 1521, regarding William J. "Bill" Baker, Independence, which was adopted.

Senator Stoll offered Senate Resolution No. 1522, regarding the One Hundredth Birthday of Josh Barnes, Festus, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Flotron introduced to the Senate, Mrs. Bogart, Mr. Busekist and eighteen students from Parkway North High School Politics Club, St. Louis; and Catherine Gabel, Sonya Jones, David Sauer and Anuj Shoh were made honorary pages.

Senator Westfall introduced to the Senate, Marc and Nicole Morin and Cheryl Swopes, Stockton; and Marc and Nicole were made honorary pages.

On behalf of Senator Bentley and himself, Senator Westfall introduced to the Senate, Mr. and Mrs. Joe D. Highfill, Springfield.

Senator Mueller introduced to the Senate, fourth grade students from Tillman Elementary School, Kirkwood; and Jody Dewes, Susie Compton and Eric Harris were made honorary pages.

Senator Westfall introduced to the Senate, the Pierce City Chapter of FFA and their advisors.

Senator Bentley introduced to the Senate, the Physician of the Day, her husband, Dr. John Bentley, Springfield.

Senator Bentley introduced to the Senate, fourth grade students from Greenwood Elementary School, Springfield.

Senator Flotron introduced to the Senate, Mrs. Cohen, Mrs. Wamser and fourth grade students from Pierremont School, St. Louis; and Julia Baumann, Michael Jurgensmeyer, Tyann McBride and Ryan Sullivan were made honorary pages.

Senator Mueller introduced to the Senate, fourth grade students from Tillman Elementary School, Kirkwood; and Heather Vannoy and Brandon Mitchener were made honorary pages.

Senator Childers introduced to the Senate, Iryna Lanko, Ukraine.

Senator Quick introduced to the Senate, Mrs. Arianne Fortune, Michelle Whitton, Bob Vogelaar, Wade Thomas, Josh Johnson and Kevin Garner, Oak Park High School Debate Team; and Wade, Josh and Kevin were made honorary pages.

Senator Flotron introduced to the Senate, forty seventh grade students from Incarnate Word School, Chesterfield.

Senator Caskey introduced to the Senate, Ms. Sharon Tippet and eighteen fourth grade students from Heartland Christian Academy, Belton.

Senator Childers introduced to the Senate, Joyce Mann and twenty-nine eighth grade students from Exeter R-VI School, Exeter.

Senator Stoll introduced to the Senate, fifteen students from St. John's Lutheran School, Arnold.

Senator Graves introduced to the Senate, Jenny Gallagher, Chris Morrow and twenty-two eighth grade students from Nodaway-Holt School, Maitland.

Senator Wiggins introduced to the Senate, Will Sentell, former Capitol Correspondent for the Kansas City Star.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, April 17, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTY-SIXTH DAY--MONDAY, APRIL 17, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

The great English preacher Mr. Spurgeon asked of a farmer with a weather vane inscribed with "God is Love" if that meant that God's love changes with the wind?" "No," said the Farmer, "I mean that whichever way the wind is blowing, God still is love."

Gracious Lord, You have shown Your love for us daily, through gentle moments to the most stressful days. You have ridden with us and comforted us in our "going out and coming in." Grant us this week Your Holy Spirit so that nothing in life will ever cause us to doubt Your steadfast love and may we express Your love to others in all we do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 13, 2000, was read and approved.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

## RESOLUTIONS

Senator House offered Senate Resolution No. 1523, regarding the Silex Assembly of God Church, Silex, which was adopted.

Senator House offered Senate Resolution No. 1524, regarding Tom Lange, St. Charles, which was adopted.

Senator Kenney offered Senate Resolution No. 1525, regarding Adam Fouts, Blue Springs, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1526, regarding Jeffrey M. Barclay, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1527, regarding Michelle Munz, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1528, regarding Danielle Hitchcock, St. Louis, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1529, regarding Debbie A. Hitchcock, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1530, regarding Officer James N. Schweppe, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1531, regarding Carmen O'Mara, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1532, regarding Thomas C. Moore, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1533, regarding Ameren/UE, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1534, regarding Andrea Dunn, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1535, regarding Sheila Meyer, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1536, regarding Bob Williams, Hazelwood, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1537, regarding Leslie Shook, Hazelwood, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1538, regarding Jay D. Dunlap, Jr., St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1539, regarding Kevin M. Miller, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 1540, regarding Bob Maranowski, Linn, which was adopted.

Senator Yeckel offered Senate Resolution No. 1541, regarding Thomas "Tom" Polokonis, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1542, regarding Henry F. "Hank" Burns, IV, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1543, regarding Robert Jozef "Bob" Parr, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1544, regarding Rex Lane, Monett, which was adopted.

Senator Russell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1545

WHEREAS, the members of the Missouri Senate wholeheartedly believe that a quality education is of the utmost importance in the lives of today's young people as they grow and prepare themselves for the challenges of the adult world; and

WHEREAS, the "KJEL Reading Initiative" of KJEL-KBNN, Ozark Broadcasting, Inc., in Lebanon, Missouri, is a unique program enacted by the Missouri State Legislature for public schools to address new reading standards; and

WHEREAS, the "KJEL Reading Initiative" program focuses on two area schools per month and is kicked off with a visit from a KJEL "On-Air" staff member; and

WHEREAS, although most schools use the KJEL Reading Initiative in conjunction with the "Accelerated Reader" program, they are encouraged to conduct the contest in the way that is best for their students; and

WHEREAS, each month KJEL saturates the airwaves with words of encouragement and news stories about the schools that are involved in the program that month through interviews with school teachers, administrators, and students, and selects a KJEL staff member to stay in contact with school administrators to keep the excitement level up and to remind students about the importance of reading; and

WHEREAS, Reading Initiative winners are chosen from students or classes that read the most books or students who meet reading goals according to individual ability and are surprised at the end of the month by a KJEL representative who brings brightly decorated sheet cakes to announce the winners; and

WHEREAS, area school administrators have reported that the number of library books checked out during the KJEL Reading Initiative tripled and that students who previously showed no interest in reading were coming in early at recess or before school to catch-up with the other students:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in expressing our utmost appreciation to all the dedicated owners, directors, administrators, and employees at KJEL-KBNN, Ozark Broadcasting, Inc., for their efforts in making reading a fun and enjoyable experience for children of all ages; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the KJEL Reading Initiative.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1305**, entitled:

An Act to repeal sections 67.1062, 67.1063, 82.300, 214.131, 214.205, 260.210 and 513.605, RSMo 1994, and sections 32.105, 32.115, 67.1300, 135.205, 144.757, 144.759, 144.761, 214.030, 262.260, 441.500, 441.510, 441.520, 441.550, 441.590, 447.620, 447.622, 537.523 and 574.085, RSMo Supp. 1999, relating to community cleanup activities, and to enact in lieu thereof forty-seven new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1677, 1675 and 1676**, entitled:

An Act to repeal sections 455.085, 455.220, 455.230 and 565.090, RSMo 1994, and sections 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof twenty-three new sections relating to domestic violence, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1652** and **1433**, entitled:

An Act to repeal sections 149.015, 149.071, 407.927, 407.929 and 407.931, RSMo 1994, relating to sale of tobacco products to minors, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1603**, entitled:

An Act to repeal section 407.820, RSMo 1994, and sections 407.815, 407.816, 407.822 and 407.825, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1797**, entitled:

An Act to repeal sections 303.025, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicle financial responsibility and the motorist insurance identification database, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions, an effective date for certain sections, and an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.



## SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 37, Page 637 of the Senate Journal for Thursday, April 6, 2000, Columns 1-2, by striking all of lines 44-45, Column 1, and lines 1-3, Column 2, and inserting in lieu thereof the following:

"Madrid, Pemiscot, Dunklin, Stoddard and Butler; two members of the Senate, appointed by the President Pro Tem, both of whom represent the area included in the authority; and two members of the House of Representatives, appointed by the Speaker, both of whom represent the area included in the authority; and".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SS No. 3** for **SJR 35**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Quick referred **SS** for **SS No. 3** for **SJR 35** to the Committee on State Budget Control.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

#### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen P. Carlton, Republican, 2012 Beau Drive, Carthage, Jasper County, Missouri 64836, as a member of the Board of Regents for Missouri Southern State College, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

#### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nadia T. Cavner, Democrat, 4248 East Serenade, Springfield, Greene County, Missouri 65809, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2002, and until her successor is duly appointed and qualified; vice, Theresa E. Whorton, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald E. Clark, D.P.M., Republican, 212 North Connor, Joplin, Jasper County, Missouri 64801, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy L. Hilgemann, Ph.D., Democrat, 4131 Blaine Avenue, St. Louis City, Missouri 63110, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, Karla Cooper, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles C. McGinty, D.D.S., Republican, 5059 McClelland Boulevard, Joplin, Newton County, Missouri 64804, as a member of the Board of Regents for Missouri Southern State College, for a term ending August 30, 2004, and until his successor is duly appointed and qualified; vice, Robert Lamb, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia A. Nichols, Number One Wilshire Terrace, Webster Groves, St. Louis County, Missouri 63119, as a member of the Well Installation Board, for a term ending February 24, 2002, and until her successor is duly appointed and qualified; vice, Joe Engeln, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan Lee Pentlin, Ph.D., Democrat, 520 Grover Street, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela Heffner Robyn, 112 Belair Drive, Jefferson City, Cole County, Missouri 65109, as the Small Business Ombudsman, for a term ending concurrent with that of the Governor, and until her successor is duly appointed and qualified; vice, Greg Johnston, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Michael Ross, Republican, 9756 Old Warson Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2000, and until his successor is duly appointed and qualified; vice, John F. Morrissey, term

expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth T. Solberg, Republican, 850 West 52nd Street, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance Board, for a term ending September 14, 2002, and until her successor is duly appointed and qualified; vice, Lynne Nikolaisen, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah J. Swanegan, Democrat, 2308 Winchester Drive, Columbia, Boone County, Missouri 65202, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Clyde McQueen, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Catherine B. Leapheart for the Missouri Training and Employment Council, submitted to you on April 10, 2000. Line 1 should be amended to read:

Catherine B. Leapheart, 1810 Pinnacle Point, Holts Summit,

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

**SENATE BILLS FOR PERFECTION**

Senator Schneider moved that **SJR 31** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schneider offered **SS** for **SJR 31**, entitled:

**SENATE SUBSTITUTE FOR**

**SENATE JOINT RESOLUTION NO. 31**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Senator Schneider moved that **SS** for **SJR 31** be adopted.

Senator Howard offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Joint Resolution No. 31, Page 2, Section 8(a), Line 5, by inserting at the end of said line the following: "**A person may serve more than twelve consecutive years, if a petition is filed which contains the signatures of the number of registered voters in the house or senate district which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought requesting that the person remain in office for an additional term. The petition shall be submitted to the secretary of state for a determination on the sufficiency of the petition no later than the first day of March immediately prior to the primary election. Upon certification of sufficiency by the secretary of state, the**

**candidate named in the petition shall be placed on the ballot."**

Senator Howard moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Joint Resolution No. 31, Page 2, Section 8(a), Lines 1 and 2 of said page, by deleting on said line the following: "at the following regular election for such office" and inserting in lieu thereof the following: "until the next full term of such office has passed,".

Senator Rohrbach moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1**

**FOR SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Joint Resolution No. 31, Page 1, Section 8(a), Line 14, by striking the words "seek election to office" and substitute "serve more than 12 years"; and amend page 2, lines 1 and 2, by striking "at the following regular election for such office".

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

Senator Clay assumed the Chair.

Senator Schneider moved that **SS** for **SJR 31**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SJR 31**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1102**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1103**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1109**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1110**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **SENATE BILLS FOR PERFECTION**

Senator Johnson moved that **SB 957**, with **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 2** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Clay assumed the Chair.

**SA 2** to **SSA 1** for **SA 2** was again taken up.

Senator Howard moved that the above amendment be adopted, which motion failed on a standing division vote.

**SSA 1** for **SA 2** was again taken up.

Senator Childers offered **SA 3** to **SSA 1** for **SA 2**, which was read:

**SENATE AMENDMENT NO. 3 TO**



SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 957, Page 1, Line 11, by deleting the words "in addition to" on said line and inserting in lieu thereof the words "**after fully funding**".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 957**, with **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 3** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

Senator Wiggins moved that **SB 851** be taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Wiggins, **SB 851** was declared perfected and ordered printed.

**SB 817**, with **SCS**, was placed on the Informal Calendar.

Senator Caskey moved that **SB 830** be taken up for perfection, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 830, Page 3, Section 211.073, Line 57, by inserting immediately after said line the following:

"211.185. 1. In addition to the court's authority to issue an order for the child to make restitution or reparation for the damage or loss caused by his offense as provided in section 211.181, the court may enter a judgment of restitution against both the parent and the child pursuant to the provisions of this section if the court finds that the parent has failed to exercise reasonable parental discipline or authority to prevent the damage or loss and the child has:

(1) Stolen, damaged, destroyed, converted, unlawfully obtained, or substantially decreased the value of the property of another; or

(2) Inflicted personal injury on another, requiring the injured person to incur medical, dental, hospital, funeral, or burial expenses.

2. The court may order both the parent and the child to make restitution to:

(1) The victim;

(2) Any governmental entity; or

(3) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss or a pecuniary loss under subdivisions (1) and (2) of subsection 1 of this section.

3. Restitution payments to the victim have priority over restitution payments to a third-party payor. If the victim has been compensated for the victim's loss by a third-party payor, the court may order restitution payments to the third-party payor in the amount that the third-party payor compensated the victim.

4. Payment of restitution to a victim under this section has priority over payment of restitution to any governmental

entity.

5. Considering the age and circumstances of a child, the court may order the child to make restitution to the wronged person personally.

6. A restitution hearing to determine the liability of the parent and the child shall be held not later than thirty days after the disposition hearing and may be extended by the court for good cause. In the restitution hearing, a written statement or bill for medical, dental, hospital, funeral, or burial expenses shall be prima facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable charge for the services or materials provided. The burden of proving that the amount indicated on the written statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness of the amount.

7. A judgment of restitution against a parent may not be entered unless the parent has been afforded a reasonable opportunity to be heard and to present appropriate evidence in his behalf. The parent shall be advised of his right to obtain counsel for representation at the hearing. A hearing under this section may be held as part of an adjudicatory or disposition hearing for the child.

8. The judgment may be enforced in the same manner as enforcing monetary judgments.

9. A judgment of restitution ordered pursuant to this section against a child and his parents shall not be a bar to a proceeding against the child and his parents pursuant to section 537.045, RSMo, or section 8.150, RSMo, for the balance of the damages not paid pursuant to this section. In no event, however, may the total restitution paid by the child and his parents pursuant to this section, section 8.150, RSMo, and section 537.045, RSMo, exceed [four] **twenty** thousand dollars.

10. The child may be ordered to work in a court-approved community service work site at a rate of compensation not to exceed minimum wage. The number of hours worked shall be reported to the juvenile officer and the compensation earned for these hours shall be used for the sole purpose of satisfying the judgment entered against the child in accordance with this section. Upon application by the juvenile officer made with the juvenile court's written approval, the clerk of the court of the circuit where the fund is deposited and where a judgment has been entered in accordance with this section shall pay the compensation earned by the child to the person in whose favor the judgment has been entered.

11. Notwithstanding any other provision of this section to the contrary, a judgment of restitution ordered pursuant to this section against a child may be executed upon after the child attains the age of eighteen years.

537.045. 1. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their care and custody, against whom judgment has been rendered for purposely marking upon, defacing or in any way damaging any property, shall be liable for the payment of that judgment up to an amount not to exceed [two] **twenty** thousand dollars, provided that the parent or guardian has been joined as a party defendant in the original action. The judgment provided in this subsection to be paid shall be paid to the owner of the property damaged, but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor for such damage for the balance of the judgment not paid by the parent or guardian.

2. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their care and custody, against whom judgment has been rendered for purposely causing personal injury to any individual, shall be liable for the payment for that judgment up to an amount not to exceed [two] **twenty** thousand dollars, provided that the parent or guardian has been joined as a party defendant in the original action. The judgment provided in this subsection to be paid shall be paid to the person injured, but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor for such damage for the balance of the judgment not paid by the parent or guardian.

3. Upon rendering a judgment in any proceeding under this section, the judge may order the parent or guardian, and the minor who damaged the property or caused the personal injury, to work for the owner of the property damaged or the person injured in lieu of payment, if the parent, minor and the owner of the property damaged or the person injured

are agreeable."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

On motion of Senator Caskey, **SB 830** was declared perfected and ordered printed.

### **REFERRALS**

President Pro Tem Quick referred **SCR 40** to the Committee on Rules, Joint Rules and Resolutions.

### **RESOLUTIONS**

Senator Kenney offered Senate Resolution No. 1546, regarding Sara Ketcherside, Imperial, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Caskey introduced to the Senate, Susan McGee, Belton; April Noe and his wife, Kay, Butler; and sixty-eight friends from Foxwood Springs, Raymore.

Senator Singleton introduced to the Senate, Derek Martin, Connie Kodish, Bob Patterson, David Rice and Mike Sills, Carthage.

Senator Singleton introduced to the Senate, Bill Gibson, Joplin.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**FIFTY-SEVENTH DAY--TUESDAY, APRIL 18, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Abraham Lincoln was once asked: "If God is on our side?" To which he replied: "It is more important to know that we are on God's side."

Gracious God, over and over again we have seen how You have chosen insignificant minorities to be Your spokespersons and again and again You have achieved great victories. Help us to keep the faith even though at times we seem to be a minority voice among our people. Help us to have the courage to do that which is right knowing we are on Your side. And we give You thanks for providing healing for Don Rackers and we pray Your continued healing presence brings him to complete health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

Senator Wiggins assumed the Chair.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1547, regarding Adam Ellsworth, Broseley, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 851**; **SB 830**; and **SS** for **SJR 31**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 892** be taken up for perfection, which motion prevailed.

On motion of Senator Quick, **SB 892** was declared perfected and ordered printed.

Senator Staples moved that **SB 793**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 793**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 793

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to motor vehicles.

Was taken up.

Senator Staples moved that **SCS** for **SB 793** be adopted, which motion prevailed.

On motion of Senator Staples, **SCS** for **SB 793** was declared perfected and ordered printed.

Senator Howard moved that **SB 959** and **SB 598**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 959** and **598**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILLS NOS. 959 and 598

An Act to repeal sections 660.250, 660.260 and 660.300, RSMo 1994, relating to in-home care for the elderly, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Howard moved that **SCS** for **SBs 959** and **598** be adopted.

Senator Howard offered **SA 1**

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 959 and 598, Page 3, Section 660.260, Line 3, by striking the word "immediately"; and

Further amend said bill, page 4, Section 660.300, Lines 19-20, by striking "one calendar week" and inserting in lieu thereof the following: "**five business days**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills No. 959 and 598, Page 4, Section 660.300, Line 34, by striking said line and inserting in lieu thereof the following: **"a mental health professional as defined by 9 CSR 30-4.025 provided through the department of mental health, and"**; and further amend line 36, by striking "coordinator" and inserting in lieu thereof the following: **"professional"**; and further amend lines 37 to 39, by striking said lines and inserting in lieu thereof the following: **"of co-case manager for the in-home services client. In cases in which the interdisciplinary case management team believes the client, as a result of a mental disorder, presents a likelihood of serious harm as defined in section 632.005, the interdisciplinary team shall refer the client to a mental health coordinator who shall conduct an investigation pursuant to section 632.300."**

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 959 and 598, Page 1, Section 660.250, Line 1, by inserting before all of said line the following:

"197.400. As used in sections 197.400 to [197.475] **197.477**, unless the context otherwise requires, the following terms mean:

(1) **"Branch office"**, a location or site from which an organization provides services within a portion of the total geographic area served by the parent company. A branch office is part of a company and is located sufficiently close to it to share administration, supervision and services in a manner that renders it unnecessary for the branch to independently meet the requirements of a home care company;

(2) **"Client residence"**, a temporary or permanent domicile of a person receiving home health services, professional services or paraprofessional services;

(3) **"Council"**, the home [health services] **care** advisory council created by sections 197.400 to [197.475] **197.477**;

[(2)] (4) **"Deficiency"**, a statement of a deficit practice;

(5) **"Department"**, the department of health;

(6) **"Home care company"**, any public or private organization or part of an organization that is staffed or equipped to provide home health services, professional services or paraprofessional services;

[(3)] (7) **"Home health [agency] category"**, a category of home care company which is a public [agency] or private organization or [a subdivision or subunit of an agency or organization that provides two or more home health services at the residence of a patient according to a physician's written and signed plan of treatment] **part of an organization that provides home health services and is eligible to be certified as a Medicare provider of home health services, as defined in Title XVIII of the Social Security Act**;

[(4)] (8) **"Home health services"**, any [of the following items and services provided at the residence of the patient on a part-time or intermittent basis: nursing, physical therapy, speech therapy, occupational therapy, home health aid, or medical social service] **services provided at the residence of a client which, at a minimum, meet the standards established pursuant to 42 C.F.R. 484, Medicare Conditions of Participation: Home Health Agencies**;

[(5)] **"Part-time or intermittent basis"**, the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any twenty-four-hour period;

(6) "Patient's residence", the actual place of residence of the person receiving home health services, including institutional residences as well as individual dwelling units;

(7)] (9) **"Local public health agency", an organization that promotes preventative health services for all of its citizens and is established by a city or county by appropriating funds from their general revenue taxing authority or pursuant to chapter 70, RSMo, or chapter 205, RSMo;**

(10) **"Paraprofessional home care category", a category of home care company which is any public or private organization or part of an organization that provides paraprofessional services;**

(11) **"Paraprofessional services", personal care-related services provided at the residence of a client by an unlicensed caregiver that are unskilled in nature, may require a physician order, plan of care or service plan, and may include certain limited nursing services as described in state regulation;**

(12) **"Physician", a person licensed by the state board of registration for the healing arts pursuant to the provisions of chapter 334, RSMo, to practice in this state as a physician and surgeon;**

[(8)] (13) **"Plan of [treatment] care", a [plan reviewed and signed as often as medically necessary by a physician or podiatrist, not to exceed sixty days in duration, prescribing items and services for an individual patient's condition] written plan for home health services and professional services based on a client's diagnosis and an assessment of his or her immediate and long-range needs and resources. A plan of care is established in consultation with a home care team that may include a physician, podiatrist, staff members of the company, a client and members of the client's family;**

[(9)] (14) **"Podiatrist", a person licensed by the state board of podiatry pursuant to the provisions of chapter 330, RSMo, to practice in this state as a podiatrist;**

[(10)] **"Subunit" or "subdivision", any organizational unit of a larger organization which can be clearly defined as a separate entity within the larger structure, which can meet all of the requirements of sections 197.400 to 197.475 independent of the larger organization, which can be held accountable for the care of patients it is serving, and which provides to all patients care and services meeting the standards and requirements of sections 197.400 to 197.475]**

(15) **"Professional home care category", a category of home care company which is any public or private organization or part of an organization that provides professional services;**

(16) **"Professional services", services, other than home health services, provided at the residence of a client by a health care professional who is considered by the state as being qualified to provide such services. Such services are provided on a per visit, hourly or shift basis and may require a plan of care, service plan or an order signed by a physician, podiatrist or other practitioner as allowed by state law;**

(17) **"Sanction", actions to be determined by the department and assessed against individuals who have been proven to have violated the provisions of sections 197.400 to 197.477 and which may include, but are not limited to, suspension or revocation of licensure;**

(18) **"Service plan", a written plan for paraprofessional services developed and agreed upon by a client and provider that includes a description of services to be provided and a schedule or frequency of such services;**

(19) **"Supervision", authoritative guidance given by a qualified person, including initial direction and periodic direction or indirect monitoring of services;**

(20) **"Survey inspection", monitoring by the department for compliance with state regulations related to sections 197.400 to 197.477, including investigation of complaints.**

197.405. 1. [No home health agency, including Medicare and Medicaid providers, shall provide two or more of the home health services covered by subdivision (4) of section 197.400 or shall hold itself out as providing such home

health services or as a home health agency] **No public or private organization or part of an organization shall hold itself out as a home care company or as providing home health services, professional services or paraprofessional services unless it is licensed and registered in accordance with the provisions of sections 197.400 to [197.475] 197.477.**

**2. No person shall establish, conduct or maintain a home care company in this state without maintaining a business location within the state and a valid license issued by the department. A branch office of a licensed home care company shall not require separate licensing.**

**3. The paraprofessional category of a home care company that provides services licensed, certified, regulated or contracted with the division of aging in the department of social services may elect to be regulated by the division of aging and shall be exempt from licensure by the department of health. Any home care company that elects to be exempt from the home care paraprofessional category pursuant to this subsection shall be monitored, regulated and overseen by the division of aging to assure that, regardless of payer source, all individuals receiving paraprofessional services by such company, including individuals who are not clients of the division of aging, are included as a responsibility of the division of aging.**

**4. No person shall interfere with or prevent any authorized representative of the department or the attorney general from enforcing the provisions of sections 197.400 to 197.477.**

197.410. [1. Persons desiring to receive a license to operate a home health agency in the state of Missouri shall file a written application with the department of health on a form prescribed by the director of the department.

2. The application shall be accompanied by a six hundred- dollar license fee] **A license shall be renewed annually upon approval by the department if the following conditions are met:**

**(1) An application for renewal is completed on forms provided by the department, filed with the department and accompanied by the required nonrefundable license fee;**

**(2) The company is in compliance with the requirements in sections 197.400 to 197.477, as evidenced by a survey inspection by the department which shall occur prior to initial licensure, once a year for the first three years and at least once every thirty-six months thereafter. Except for the inspection prior to initial licensure, such inspections shall be conducted:**

**(a) Without the prior notification of the company; and**

**(b) At times of the day, on dates and at intervals which do not permit companies to anticipate such inspections;**

**(3) Each initial application for a home care company shall be filed on forms provided by the department and accompanied by the required nonrefundable license fee. Such application must be approved by the department prior to initiating client care.**

**The department of health shall coordinate initial and annual inspections of all home care categories and other inspections when possible.**

197.415. 1. [The department shall review the applications and shall issue a license to applicants who have complied with the requirements of sections 197.400 to 197.475 and have received approval of the department.

2. A license shall be renewed annually upon approval of the department when the following conditions have been met:

**(1) The application for renewal is accompanied by a six-hundred-dollar license fee;**

**(2) The home health agency is in compliance with the requirements established pursuant to the provisions of sections 197.400 to 197.475 as evidenced by a survey inspection by the department which shall occur at least every thirty-six months for agencies that have been in operation thirty-six consecutive months from initial inspection. The frequency**



of inspections for agencies in operation at least thirty-six consecutive months from the initial inspection shall be determined by such factors as number of complaints received and changes in management, supervision or ownership. The frequency of each survey inspection for any agency in operation less than thirty-six consecutive months from the initial inspection shall occur and be conducted at least every twelve months;

(3) The application is accompanied by a statement of any changes in the information previously filed with the department pursuant to section 197.410.

3. Each license shall be issued only for the home health agency listed in the application. Licenses shall be posted in a conspicuous place in the main offices of the licensed home health agency.

**4.] If the application review is not completed prior to the expiration of a license and the company is not at fault for the failure to complete the application review process, the department may issue a temporary operating permit of sufficient duration to allow for state review of the home care company's relicensure application.**

**2. Each license shall be issued only for the home care company listed on the application. Such license shall be:**

**(1) Posted in a conspicuous place in the office of the licensed home care company; or**

**(2) Made available for review upon request.**

**3. Any license issued shall state the licensure category or categories for which the license is issued, the name of the home care company to whom it is issued, the expiration date, and any additional information or special limitations that the department may require by rule.**

**4. If a home care company is relocating, the company shall notify the department in writing thirty days prior to the intended relocation. The department may provide written notification to the home care company amending the current license to reflect the new location.**

**5. In lieu of any survey required by sections 197.400 to [197.475] 197.477, the department may accept in whole or in part written reports of the survey of any state or federal agency, or of any professional accrediting agency, such as the joint commission on accreditation of health care organizations and the community health accreditation program, if such survey:**

**(1) Is comparable in scope and method to the department's surveys; and**

**(2) [Is conducted within one year of initial application or within thirty-six months for the renewal of the home health license as required by subdivision (2) of subsection 2 of this section] Meets all required time frames; and**

**(3) Is provided to the department with sufficient documentation to assure that the home care company is in compliance with the requirements in sections 197.400 to 197.477.**

**6. Services provided pursuant to chapter 338, RSMo, shall be excluded from survey inspection.**

197.420. **1.** A license shall not be transferable or assignable. When a home [health agency] **care company** is sold or ownership or management is transferred, or the corporate legal organization status is [substantially] changed, the license of the [agency] **company** shall be voided and a new license obtained. Application for a new license shall be made to the department in writing[, at least ninety days] prior to the effective date of the sale, transfer, or change in corporate status. The application for a new license shall be on the same form, containing the same information required for an original license, and shall be accompanied by [a license fee of six hundred dollars. The department may issue a temporary operating permit for the continuation of the operation of the home health agency for a period of not more than ninety days pending the survey inspection and the final disposition of the application. The department shall require all licensed home health agencies to submit statistical reports. The content, format, and frequency of such reports shall be determined by the department with council approval] **the required nonrefundable license fee.**

**2. The department may issue a temporary operating permit of sufficient duration to allow the department to evaluate an application for a license submitted as a result of a change in ownership.**

**197.422. The department shall require all licensed home care companies to submit statistical reports. The content, format and frequency of such reports shall be established by the department in conjunction with the home care advisory council and shall not include financial information.**

197.425. In addition to the survey inspection required for licensing or license renewal, the department may [make other survey inspections] **conduct survey inspections** during normal business hours. Each home [health agency] **care company** shall allow the department or its authorized representatives to enter upon its premises during normal business hours for the purpose of conducting the survey [inspection] **inspections**.

197.430. After completion of each department [survey] **inspection**, a written [report] **statement** of the findings with respect to compliance or noncompliance with the provisions of sections 197.400 to [197.475] **197.477** and the standards established hereunder as well as a list of deficiencies found shall be prepared. A copy of the [report] **statement** and the list of deficiencies found shall be served upon the home [health agency] **care company** within fifteen business days following the [survey] inspection. The list of deficiencies shall specifically state the statute or rule which the home [health agency] **care company** is alleged to have violated. If the home [health agency] **care company** acknowledges the deficiencies found by the [survey] inspection, the home [health agency] shall inform the department of the time necessary for compliance and] **care company** shall file a plan of correction with the department **within thirty days of the inspection completion date**. If the [home health agency] **company** does not acknowledge the deficiencies, it [may request a resurvey] **shall request a reinspection** by the department. If, after the [resurvey] **reinspection**, the home [health agency] **care company** still does not agree with the findings of the department, it may seek a review of the findings of the department by the administrative hearing commission **in accordance with chapter 621, RSMo. In case of immediate client jeopardy, immediate sanctions may be imposed**.

197.435. **1.** Any person wishing to make a complaint against a home [health agency licensed under] **care company licensed pursuant to** the provisions of sections 197.400 to [197.475] **197.477** may file the complaint **orally or** in writing with the department setting forth the details and facts supporting the complaint. [If the department determines the charges are sufficient to warrant a hearing to determine whether the license of the home health agency should be suspended or revoked, the department shall fix a time and place for a hearing and require the home health agency to appear and defend against the complaint. A copy of the complaint shall be given to the home health agency at the time it is notified of the hearing. The notice of the hearing shall be given at least twenty days prior to the date of the hearing. The hearing shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 621, RSMo.] **The department shall investigate all complaints and prepare a written statement of the investigative findings with respect to compliance or noncompliance with sections 197.400 to 197.477 and the standards established hereunder, as well as a list of deficiencies found which shall be served upon the home care company within fifteen business days following such investigation. The list of deficiencies shall specifically state the statute or rule which the home care company is alleged to have violated. If the company acknowledges the deficiencies found by the inspection, the company shall file a plan of correction with the department within thirty days of the inspection completion date. If the company does not agree with the findings of the investigation the company may seek a review of such findings by the administrative hearing commission in accordance with chapter 621, RSMo. In cases of immediate client jeopardy, immediate sanctions may be imposed.**

**2. Each employee of a home care company shall be responsible for reporting any evidence of abuse, neglect or exploitation of any client served by the home care company in accordance with state law.**

197.440. **1.** The department shall refuse to issue or shall suspend or shall revoke the license of any home [health agency] **care company** for failure to comply with any provision of sections 197.400 to [197.475] **197.477** or with any rule or standard of the department adopted [under] **pursuant to** the provisions of sections 197.400 to [197.475] **197.477** or for obtaining the license by means of fraud, misrepresentation[,] or concealment of material facts.

2. Any home [health agency] **care company** which has **had sanctions imposed**, been refused a license or which has had its license revoked or suspended by the department may seek a review of the department's action by the administrative hearing commission **in accordance with chapter 621, RSMo. A sanction shall be designed to minimize the time between identification of a problem and imposition of such sanction and shall provide for the imposition of incrementally more severe sanctions for repeated or uncorrected problems.**

3. A home care company shall not reapply for licensure for a six-month period following a final action by the department pursuant to this section.

4. A license shall not be issued or renewed if the operator, owner or any principle in the operation of the home care company has been convicted of any offense concerning the operation of a home care company or any offense that is reasonably related to the qualifications, functions or duties of a home care company. Notwithstanding any other provision of law to the contrary, the department shall have access to records involving an operator, owner or any principle in the operation of a home care company applying for or renewing a license pursuant to this chapter, where the applicant has been adjudicated and found guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to the laws of any state or of the United States for any offense reasonably related to the qualifications, functions or duties of any person who operates or owns a home care company licensed pursuant to sections 197.400 to 197.477. The department may deny, suspend or revoke the license of any home care company whose operators, owners or any principles in the operation of the company have been convicted of such an offense.

5. The department shall promulgate rules to waive the restrictions pursuant to subsection 4 of this section for good cause. For purposes of this section, "good cause" means a determination by the department after examining the prior work history and other relevant factors that such operators, owners or principles do not present a risk to the health or safety of clients.

197.445. 1. **The department shall administer the provisions of sections 197.400 to 197.477.** The department may adopt reasonable rules and standards necessary to carry out the provisions of sections 197.400 to 197.477. [The rules and standards adopted shall not be less than the standards established by the federal government for home health agencies under Title XVIII of the Federal Social Security Act. The reasonable rules and standards shall be initially promulgated within one year of September 28, 1983.] **In promulgating regulations for the licensure of home care companies, the department shall establish licensure procedures for a home care category, professional home care category and paraprofessional home care category, with separate and distinct regulations for each of the three licensure categories. All rules shall be initially promulgated within one year of the effective date of this section. The regulations for the professional home care category shall not exceed the Medicaid private duty nursing regulations and the regulations for the paraprofessional category shall not exceed the Medicaid personal care regulations.**

2. The rules and standards adopted by the department pursuant to the provisions of sections 197.400 to 197.477 shall apply to all health services covered by sections 197.400 to 197.477 rendered to any patient being served by a home [health agency] **care company** regardless of source of payment for the service, patient's condition, or place of residence[, at which the home health services are ordered by the physician or podiatrist]. No rule or portion of a rule promulgated pursuant to the authority of sections 197.400 to 197.477 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. **All agencies of the state or any of its political subdivisions shall assist and cooperate with the department as necessary to carry out the department's responsibility pursuant to sections 197.400 to 197.477.**

197.450. 1. There is hereby created the "Home [Health Services] **Care** Advisory Council", which shall guide, advise and make recommendations to the department relating to the rules and standards adopted and the implementation and administration of sections 197.400 to [197.475] **197.477.**

2. Members of the council shall be residents of this state. The council shall consist of members who shall serve for a term of three years. No member may serve more than two successive full terms. [One member] **Two members** of the council shall be [a representative] **representatives** of the department, and **one** such member shall serve as chairman of

the council. [Three members] **One member** shall be [citizens] **a citizen** selected from the state at large and shall have no connection with any home [health agency. Five] **care company**. **Six** members shall be representatives of [home health agencies and one of these five members shall be selected from each of the following types of home health agencies:

- (1) Public sponsored home health agencies;
- (2) Institutional sponsored home health agencies;
- (3) Voluntary nonprofit home health agencies;
- (4) Private nonprofit home health agencies; and
- (5) For profit home health agencies] **each of the three home care licensure categories. Each category shall have at least one representative on the council.**

3. All members of the council shall be appointed by the director of the department. The term of office of each member shall be for three years or until his **or her** successor is appointed; except that, of the members first appointed, three shall be selected for one year, three shall be selected for two years, and three shall be selected for three years. Before a member's term expires, the director of the department shall appoint a successor to assume his **or her** duties on the expiration of his **or her** predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

4. The council shall meet not less than [quarterly] **twice** each year, **in person or by telecommunication**, at a place, day and hour determined by the [council] **department**. The council may also meet at such other times and places as may be designated by the chairman, or upon the request of the majority of the other members of the council.

5. Members of the council shall receive no compensation for their services, but shall be reimbursed, out of funds appropriated to the department for that purpose, for their actual and necessary expenses incurred in the performance of their duties.

197.455. The department may file an action in the circuit court for the county in which [any home health agency alleged to be violating the provisions of sections 197.400 to 197.475 resides or may be found] **the home care company is located** for an injunction to restrain the home [health agency] **care company** from continuing the violation **or sections 197.400 to 197.477**.

197.460. 1. The provisions of sections 197.400 to [197.475] **197.477** shall not apply to [individuals who personally provide one or more home health services if such persons are not under the direct control and doing work for and employed by a home health agency.

2. The provisions of sections 197.400 to 197.475 shall not apply to any person or organization conducting a home health agency by and for the adherents of any recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination or sect.

3. The provisions of sections 197.400 to 197.475 shall not apply to any person or other entity which provides services pursuant to subdivision (18) of subsection 1 of section 208.152, RSMo, or provides in-home services pursuant to subdivision (21) of subsection 2 of section 660.050, RSMo] **the following:**

**(1) Any person who is a single self-employed caregiver who provides one or more of the services defined in sections 197.400 to 197.477, when such services are not provided as an employee, or under agreement or contract with a home care company;**

**(2) Any person or other entity operating a home care company by and for the adherents of any recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the**

sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination or sect;

(3) Any person or entity that provides services pursuant to subdivision (18) of subsection 1 of section 208.152, RSMo, or provides in-home services pursuant to subdivision (21) of subsection 2 of section 660.050, RSMo, or provides in-home services pursuant to Title XIX of the Social Security Act, or any service or program authorized by the division of aging;

(4) Any person or entity licensed, certified, contracted, employed or operated by the state or its political subdivisions to provide specialized services, including care, treatment, habilitation and rehabilitation exclusively to persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, as defined in section 630.005, RSMo;

(5) Any person or entity licensed, certified, contracted, employed or operated by the state to provide home health, paraprofessional or professional services to patients or clients of the division of vocational rehabilitation in the department of elementary and secondary education;

(6) The first steps program in the department of elementary and secondary education;

(7) Exempt from licensing services provided by a local public health agency not funded by private pay or a third-party payer such as Medicare, Medicaid or health insurance;

(8) The services of a provider or program that are regulated by a state regulatory program, other than those administered pursuant to this chapter, may be exempt from licensure pursuant to this chapter if the department determines the other program's regulatory standards are substantially the same or exceed the requirements of this chapter. To be exempted pursuant to this subdivision, a provider or program shall request that the department review the standards under which the provider or program is regulated. The department may require the provider or program to provide any information necessary to determine the comparability of the regulations.

**2. Nothing in this section shall prohibit any person or entity from applying for a license pursuant to sections 197.400 to 197.477.**

[197.470. All reports or documents collected by the department, or findings and decisions made by the department, under the provisions of sections 197.400 to 197.475, unless declared to be a confidential record under any other provision of law, shall be available to public inspection upon written request. The material requested shall be made available within thirty days after receipt of the request. The department may charge a reasonable fee for the copying of any material.]

**197.474. The provisions of sections 197.400 to 197.477 shall be fully implemented by July 1, 2002.**

197.477. Upon the completion of the final report of an inspection or evaluation of a health facility or agency or any part thereof pursuant to sections 190.235 to 190.249, RSMo, sections 197.010 to 197.120, sections 197.200 to 197.240, or sections 197.400 to 197.475, including any amendments thereto which may hereinafter be enacted by the general assembly or rule or regulation promulgated pursuant thereto, the department of health may disclose to the public reports of the inspections or evaluations showing the standards by which the inspections or evaluations were conducted, whether such standards were met, and, if such standards were not met, in what manner they were not met and how the facility proposed to correct or did correct the deficiencies. All other information whatsoever, including information and reports submitted to the department of health by governmental agencies and recognized accrediting organizations in whole or in part for licensure purposes pursuant to sections 190.235 to 190.249, RSMo, sections 197.010 to 197.120, sections 197.200 to 197.240, or sections 197.400 to 197.475, collected during such inspections or evaluations or information which is derived as a result of such inspections or evaluations shall be confidential and shall be disclosed only to the person or organization which is the subject of the inspection or evaluation or a representative thereof. **The material requested shall be made available within thirty days after receipt of the request. The department may charge a reasonable fee for the copying of any material.**"; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Steelman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 959 and 598, Page 6, Section 660.300, Line 98, by inserting after "RSMo," the following: **"and the client's physician"**.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 959 and 598, Page 5, Section 660.300, Line 86, by inserting after "felony." the following: **"If such person is an in-home services employee and upon a determination of guilt by a court, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department. Penalties collected pursuant to this section shall be deposited as designated in section 198.067, RSMo."**

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bentley, Childers, Ehlmann and Russell.

**SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
Clay	Ehlmann	Flotron	Kinder
Klarich	Rohrbach	Russell	Sims
Singleton	Stelman	Westfall--15	
NAYS--Senators			
Caskey	DePasco	Graves	House
Howard	Johnson	Kenney	Mathewson
Maxwell	Mueller	Quick	Schneider
Staples	Stoll	Wiggins	Yeckel--16
Absent--Senators			
Goode	Scott--2		
Absent with leave--Senator Jacob--1			

Senator Ehlmann offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 959 and 598, Page 1, Section A, Line 3, by inserting after all of said line the following:

**"33.850. 1. Sections 33.850 to 33.895 shall be known and may be cited as the "Missouri False Claims Act".**

**2. As used in sections 33.850 to 33.895, the following terms shall mean:**

- (1) "Claim", includes any request or demand relating to Medicaid or Medicare, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other person if the state provides any portion of the money or property which is requested or demanded, or if the state will reimburse such contractor, grantee, or other person for any portion of the money or property which is requested or demanded;**
- (2) "Custodian", the custodian, or any deputy custodian, designated by the attorney general pursuant to section 33.883;**
- (3) "Documentary material", includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery;**
- (4) "Exempt official", any of the following officials: any state official listed in article IV, section 12 of the Constitution of the state of Missouri and all other persons appointed by the governor by and with the consent of the senate;**
- (5) "Guard", the Missouri national guard;**
- (6) "Investigation", any inquiry conducted by an investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of sections 33.850 to 33.895;**
- (7) "Investigator", a person who is charged by the attorney general with the duty of conducting any investigation pursuant to sections 33.850 to 33.895, or any officer or employee of the state acting under the direction and supervision of the department of public safety, through the Missouri state highway patrol, with an investigation;**
- (8) "Knowing" and "knowingly", that a person, with respect to information:**
  - (a) Has actual knowledge of the information; and**
  - (b) Acts in deliberate ignorance of the truth or falsity of the information; or**
  - (c) Acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required;**
- (9) "Original source", an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the state before filing an action pursuant to sections 33.850 to 33.895 which is based on the information;**
- (10) "Product of discovery" includes:**
  - (a) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;**
  - (b) Any digest, analysis, selection, compilation, or derivation of any item listed in paragraph (a) of this subdivision; and**
  - (c) Any index or other manner of access to any item listed in paragraph (a) of this subdivision;**
- (11) "State", the state of Missouri and any of its agencies and any of the following entities that may elect to adopt the provisions of sections 33.850 to 33.895 by ordinance or resolution, a copy of which shall be filed with the attorney general within thirty days of its adoption: the system of state colleges and universities, or any**

**school district, public community college district, municipality, municipal corporation, unit of local government and any combination of the above pursuant to air intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement.**

**33.853. 1. Sections 33.850 to 33.895 are intended to provide for civil recovery for false or fraudulent Medicaid or Medicare claims paid by the state.**

**2. Any person who:**

- (1) Knowingly presents, or causes to be presented, to an officer or employee of the state or a member of the guard a false or fraudulent claim for payment or approval;**
- (2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the state;**
- (3) Conspires to defraud the state by getting a false or fraudulent claim allowed or paid;**
- (4) Has possession, custody, or control of property or money used, or to be used, by the state and, intending to defraud the state or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;**
- (5) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true;**
- (6) Knowingly buys, or receives as a pledge on an obligation or debt, public property from an officer or employee of the state, or a member of the guard, who lawfully may not sell or pledge the property; or**
- (7) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state;**

**is liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of damages which the state sustains because of the act of that person. A person found guilty of violating this section shall also be liable to the state for the costs of a civil action brought to recover any such penalty or damages.**

**3. This section does not apply to claims, records, or statements made pursuant to chapter 143, RSMo.**

**33.856. 1. The attorney general shall diligently investigate a civil violation pursuant to sections 33.850 to 33.895, except for civil violations that relate to and adversely affect primarily the system of state colleges and universities, or any school district, public community college district, municipality, municipal corporation, unit of local government or any combination of the above pursuant to an intergovernmental agreement that includes provisions for a governing board of the agency created by the agreement. If the attorney general finds that a person has violated or is violating section 33.853, the attorney general may bring a civil action pursuant to this section against the person.**

**2. A person may bring a civil action for a violation of section 33.853 for the person and for the state. The action shall be brought in the name of the state. The action may be dismissed only if the court and the attorney general give written consent to the dismissal and their reasons for consenting.**

**3. A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the attorney general for the state. The complaint shall be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The state may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.**



**4. The state may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to subsection 3 of this section. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed pursuant to this section until thirty days after the complaint is unsealed and served upon the defendant.**

**5. Before the expiration of the sixty-day period or any extensions obtained pursuant to subsection 4 of this section, the state shall:**

**(1) Proceed with the action, in which case the action shall be conducted by the state; or**

**(2) Notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.**

**6. When a person brings an action pursuant to this section, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.**

**33.859. 1. If the state proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in subsection 2 of this section.**

**2. (1) The state may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the state of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.**

**(2) The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.**

**(3) Upon a showing by the state that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as:**

**(a) Limiting the number of witnesses the person may call;**

**(b) Limiting the length of the testimony of such witnesses;**

**(c) Limiting the person's cross-examination of witnesses; or**

**(d) Otherwise limiting the participation by the person in the litigation.**

**(4) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.**

**3. If the state elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the state so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the state's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.**

**4. Whether or not the state proceeds with the action, upon a showing by the state that certain actions of discovery by the person initiating the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon**

a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

5. The state may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued pursuant to this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action pursuant to this section.

33.862. 1. If the state proceeds with an action brought by a person pursuant to section 33.856, such person shall receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. The state shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred by the attorney general, including reasonable attorneys' fees and costs, and the amount received shall be deposited in the whistleblower reward and protection fund created in section 33.895. All such expenses, fees, and costs shall be awarded against the defendant upon a finding of guilt.

2. When the system of state colleges and universities, or any school district, public community college district, municipality, municipal corporation, unit of local government or any combination of the above pursuant to an intergovernmental agreement, has been adversely affected by a defendant, the court may award such sums as it considers appropriate, specifying the amount to be awarded from the net proceeds deposited in the whistleblower reward and protection fund.

3. If the state does not proceed with an action pursuant to this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

4. Whether or not the state proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 33.853 upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive pursuant to this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 33.853, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the state to continue the action.

5. If the state does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

33.865. 1. No court shall have jurisdiction over an action brought by a former or present member of the guard against a member of the guard arising out of such person's service in the guard.

**2. (1) No court shall have jurisdiction over an action brought pursuant to section 33.856 against a member of the general assembly, a member of the judiciary, or an exempt official if the action is based on evidence or information known as the violation to the state when the action was brought.**

**(2) In no event may a person bring an action pursuant to section 33.856 which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party.**

**(3) No court shall have jurisdiction over an action pursuant to this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or auditor report, hearing, audit, or investigation, or from the news media, unless the action is brought by the attorney general or the person bringing the action is an original source of the information.**

**3. The state is not liable for expenses which a person incurs in bringing an action pursuant to section 33.856.**

**4. Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done pursuant to sections 33.850 to 33.895, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the seniority status such employee would have had but for the discrimination, interest on the back pay which would have been otherwise due, two times the amount of back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate circuit court for the relief provided in this subsection.**

**33.868. 1. A subpoena requiring the attendance of a witness at a trial or hearing conducted pursuant to section 33.859 may be served at any place in the state.**

**2. A civil action pursuant to section 33.856 may not be brought:**

**(1) More than six years after the date on which the alleged violation of section 33.853 is committed; or**

**(2) More than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the state charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation occurred, whichever occurs last.**

**3. In any action brought pursuant to section 33.856, the state or the person shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.**

**4. Notwithstanding any other provision of law, a final judgment rendered in favor of the state in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought pursuant to subdivision (1) or (2) of subsection 5 of section 33.856.**

**33.871. 1. When it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any violation of section 33.853 or when he or she believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any such act or practice he or she may issue and cause to be served a civil investigative demand to assist in the investigation of the matter. The issuance and enforcement of each civil investigative demand shall be conducted in compliance with all of the terms and provisions of sections 407.040 to 407.090, RSMo, except as provided for in sections 33.850 to 33.895.**

**2. Any person served a civil investigative demand shall have the right to the assistance of counsel.**

**33.874. Any civil investigative demand issued pursuant to section 33.871 may be served as the Missouri rules of**

civil procedure prescribes for service of process. To the extent that the courts of this state can assert jurisdiction over any person outside the state consistent with due process, the courts of this state shall have the same jurisdiction to take any action respecting compliance with this section against any such person that such court would have if such person were personally within the jurisdiction of such court.

**33.877.** A verified return by the individual serving any civil investigative demand issued pursuant to section 33.871 or any petition filed pursuant to section 33.856 setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

**33.880. 1.** The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the county within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the investigator conducting the examination and such person.

**2.** When the testimony is fully transcribed, the investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine it, the officer or investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons, if any, given therefor.

**33.883. 1.** The attorney general shall designate the Missouri state highway patrol to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received pursuant to sections 33.850 to 33.895, and shall designate additional employees of the Missouri state highway patrol as the attorney general determines from time to time to be necessary to serve as deputies to the custodian.

**2.** An investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony pursuant to this section shall transmit them to the custodian. The custodian shall take physical possession of such material, and shall be responsible for the use made of them and for their return pursuant to subsection 5 of this section. The custodian may cause the preparation of such copies of such material as may be required for official use.

**3.** Nothing in this section is intended to prevent disclosure to the general assembly, including any committee or subcommittee of the general assembly, or to any other state agency for use by such agency in furtherance of its statutory responsibilities. Disclosure of information to any such other agency shall be allowed only upon application, made by the attorney general to a circuit court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities.

**4.** Whenever any attorney has been designated to appear on behalf of the state before any court, grand jury, or state agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received pursuant to this section shall deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through introduction into the record of such case or proceeding.

**5.** Material produced in the course of any investigation pursuant to a civil investigative demand shall be returned, upon written request of the person who produced such material, to such person except authorized copies or those which have passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding, if:

**(1)** Any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding

before any state agency involving such material, has been completed; or

(2) No case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation.

**33.886. 1.** At any time during which any custodian is in custody or control of any material received pursuant to section 33.871, such person as provided the material, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the circuit court of the county within which the office of such custodian holding any of the material is situated, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this section.

**2.** Whenever any petition is filed in any circuit court pursuant to this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered pursuant to this section by any court shall be punished as a contempt of the court.

**33.889.** Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand shall be a closed record pursuant to chapter 610, RSMo.

**33.892.** The Missouri rules of civil procedure shall apply to all proceedings pursuant to sections 33.850 to 33.895, except when rules are inconsistent with sections 33.850 to 33.895.

**33.895. 1.** There is hereby created the "Whistleblower Reward and Protection Fund" within the state treasury. All proceeds of an action or settlement of a claim brought pursuant to sections 33.850 to 33.895 shall be transmitted to the director of revenue for deposit in the fund.

**2.** Moneys in the fund shall be allocated, subject to appropriation, as follows: one-sixth of the moneys shall be paid to the attorney general and one-sixth of the moneys shall be paid to the Missouri state highway patrol for state law enforcement purposes. The remaining two-thirds of the moneys in the fund shall be used for payment of awards to citizen plaintiffs, for attorneys' fees and expenses, and as otherwise specified in sections 33.850 to 33.895. The attorney general shall direct the state treasurer to make disbursement of funds as provided in court orders setting those awards, fees, and expenses. The state treasurer shall transfer any fund balances in excess of those required for these purposes to the general revenue fund at the end of each biennium."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 6** is out of order as the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Steelman offered **SA 7**, which was read:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 959 and 598, Page 4, Section 660.300, Line 37, by inserting after "provider" the following: **"and the physician, if participating,"**.

Senator Steelman moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Flotron raised the point of order that **SA 7** is out of order as it attempts to amend previously amended material.

At the request of Senator Steelman, **SA 7** was withdrawn rendering the point of order moot.

Senator Howard moved that **SCS** for **SBs 959** and **598**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SBs 959** and **598**, as amended, was declared perfected and ordered printed.

Senator Bentley moved that **SB 954**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 954**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 954

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to cultural tourism.

Was taken up.

Senator Bentley moved that **SCS** for **SB 954** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 954** was declared perfected and ordered printed.

Senator Sims moved that **SB 1027** and **SB 815**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 1027** and **815**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1027 and 815

An Act to repeal section 192.070, RSMo 1994, and sections 167.181 and 332.311, RSMo Supp. 1999, relating to dental care, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SBs 1027** and **815** be adopted.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1027 and 815, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with a termination date"; and

Further amend said bill, Page 4, Section 332.311, Line 20, by inserting after the word "established" the following: "**jointly**"; and further amend said line by inserting after the word "department" the following: "**of health and by the Missouri dental board**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1027 and 815, Page 4, Section 332.311, Line 21, by inserting after all of said line the following:

**"332.324. 1. The department of health may contract with the Missouri dental board to establish a donated dental services program, in conjunction with the provisions of section 332.323, through which volunteer dentists, licensed by the state pursuant to chapter 332, will provide comprehensive dental care for needy, disabled, elderly and medically-compromised individuals. Eligible individuals may be treated by the volunteer dentists in their private offices. Eligible individuals may not be required to pay any fees or costs, except for dental laboratory costs.**

**2. The department of health shall contract with the Missouri dental board, its designee or other qualified organizations experienced in providing similar services or programs, to administer the program.**

**3. The contract shall specify the responsibilities of the administering organization which may include:**

**(1) The establishment of a network of volunteer dentists including dental specialists, volunteer dental laboratories and other appropriate volunteer professionals to donate dental services to eligible individuals;**

**(2) The establishment of a system to refer eligible individuals to appropriate volunteers;**

**(3) The development and implementation of a public awareness campaign to educate eligible individuals about the availability of the program;**

**(4) Providing appropriate administrative and technical support to the program;**

**(5) Submitting an annual report to the department that:**

**(a) Accounts for all program funds;**

**(b) Reports the number of individuals served by the program and the number of dentists and dental laboratories participating as providers in the program; and**

**(c) Reports any other information required by the department;**

**(6) Performing, as required by the department, any other duty relating to the program.**

**4. The department shall promulgate rules, pursuant to chapter 536, RSMo, for the implementation of this program and for the determination of eligible individuals."; and**

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SCS** for **SBs 1027** and **815**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SBs 1027** and **815**, as amended, was declared perfected and ordered printed.

## **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HS** for **HCS** for **HB 1305**--Local Govern-ment and Economic Development.

**HS** for **HCS** for **HBs 1677, 1675** and **1676**-- Civil and Criminal Jurisprudence.

**HS for HCS for HBs 1652 and 1433--** Pensions and General Laws.

**HS for HB 1603--**Commerce and Environ-ment.

## **RESOLUTIONS**

Senator Rohrbach offered Senate Resolution No. 1548, regarding the death of Robert Edward Linville, Jefferson City, which was adopted.

Senator Kenney offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 1549**

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State students who are actively engaged in endeavors which promise to bring about a better future for all, including those with spinal cord injuries; and

WHEREAS, Sara Ketcherside enjoys selection for a "Do The Right Thing" award which will be presented to her on Wednesday, April 19, 2000, at the St. Louis Police headquarters building on Clark Street by the awards sponsors, the St. Louis Metropolitan Police Department, St. Louis County Police Department, KMOV-Channel 4, St. Louis Rams, AmerenUE, and cooperating school districts; and

WHEREAS, deciding to become a volunteer committee member of the Gateway to a Cure organization, Sara joined the group after witnessing her fifteen-year-old friend, Gabriel, suffer a severe spinal cord injury last summer in the Ketcherside pool, which initially resulted in paralysis below the neck and confinement to a wheelchair; and

WHEREAS, the daughter of Earl and Chris Ketcherside, Sara is an eighth grader at Windsor Middle School who initiated a write-in campaign in support of Senate Bill 986 which concerns spinal cord injury research and is sponsored by the Honorable Bill Kenney, State Senator from the Eighth District; and

WHEREAS, targeting youth aged fourteen to twenty-four, Sara's campaign incorporates letters, e-mails, and phone calls from the population most likely to suffer from spinal cord injuries caused by sports participation and automobile accidents; and

WHEREAS, Sara has also directed her dedication and boundless energy to service as president of the Student Council at Windsor Middle School, a member of Concert Choir and Select Glee, and as a cheerleader and teacher's aide;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the diligent volunteer efforts of Sara Ketcherside and to congratulate her upon her receipt of a Do The Right Thing award which enhances the joy she already feels at the miraculous, science-based recovery of her friend, Gabby, who is able to walk again with the aid of a cane; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Sara Ketcherside of Imperial, Missouri.

Senator Scott offered Senate Resolution No.1550, regarding Sergeant John Kavadas, St. Louis, which was adopted.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

Senator Jacob requested unanimous consent of the Senate for the Committee on Insurance and Housing to meet while the Senate is in session, which request was granted.

## **CONCURRENT RESOLUTIONS**

Senator Howard moved that **SCR 37**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.



Senator Howard moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Howard, **SCR 37**, as amended, was adopted by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Clay	Mathewson	Scott
Singleton	Staples--6		
Absent with leave--Senators--None			

Senator Goode moved that **SCR 29** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCR 29** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Graves--1			
Absent--Senators			
Clay	Flotron	Staples--3	
Absent with leave--Senators--None			

## REFERRALS

President Pro Tem Quick referred **SS** for **SJR 31** and **HB 1186** to the Committee on State Budget Control.

## CONCURRENT RESOLUTIONS

Senator Graves moved that **SCR 35**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Graves, **SCR 35**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey

Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	Singleton	Staples--3	
	Absent with leave--Senators--None		

## SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 538** and **SB 565**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 538** and **565**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILLS NOS. 538 and 565

An Act to repeal sections 32.055, 32.090 and 32.091, RSMo Supp. 1999, relating to motor vehicle records, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Russell moved that **SCS** for **SBs 538** and **565** be adopted.

Senator Russell offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 538 & 565, Page 1, In the Title, Line 3, by inserting after the word "records" the phrase "and electronic dissemination"; and

Further amend said bill, Page 1, Section 32.055, Line 8, by inserting after all of said line the following:

"[32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other

process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible pursuant to this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

6. Any clear, accurate and nontransient output of a record of ownership, lien or satisfaction of a lien maintained electronically by the director of revenue as permitted in sections 301.600 to 301.640, RSMo, shall be deemed to be an original record for all purposes and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof, shall be deemed to be a transcript, exemplification or certified copy of the original.

7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.]

32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible under this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing, **issuance or renewal** of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. **All restrictions imposed by law that apply to the disclosure of information by the department of revenue shall also apply to any persons or entities contracting with the director of the department of revenue to provide electronic filing, issuance or renewal services. Notwithstanding other provisions of law, any online access or access via other electronic means granted to such persons or entities may be limited to the persons or entities providing such electronic filing, issuance or renewal services.**

6. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

[6.] 7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.

[7.] 8. The director of revenue may renew motor vehicle registrations by electronic means when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to accompany such application are provided to the director electronically in a format prescribed by the director of revenue.

[8.] 9. The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void."; and

Further amend said bill, Pages 1 to 2, Section 32.090, Lines 1 to 11, by deleting all of said section and inserting in lieu thereof the following:

"32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. [Except as otherwise provided by law,] Personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if the individual whose personal information is requested has not elected to prohibit the disclosure of such personal information pursuant to] **except as provided in** section 32.091."; and

Further amend said bill, Pages 2 to 3, Section 32.091, Lines 1 to 66, by deleting all of said section and inserting in lieu thereof the following:

"32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code [in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section], **as amended by Public Law 106-69, Section 350, only if the department has obtained the express consent of the person to whom such personal information pertains.**

3. [A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.] **Notwithstanding any other provisions of law to the contrary, the department of revenue shall not disseminate a person's driver's license photograph, Social Security number and medical or disability information from a motor vehicle record, as defined in section 2726(1) of Title 18 of the United States Code without the express consent of the person to whom such information pertains, except for uses permitted under Sections 2721(b)(1), 2721(b)(4), 2721(b)(6) and 2721(b)(9) of Title 18 of the United States Code.**

4. [Notwithstanding any other provision of law to the contrary,] The department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to Sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code **except for the personal information described in subsection 3 of this section.**

5. Pursuant to Section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

6. This section is not intended to limit media access to any personal information when such access is provided by agencies or entities in the interest of public safety and is otherwise authorized by law."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **SBs 538** and **565**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SBs 538** and **565**, as amended, was declared perfected and ordered printed.

## **CONCURRENT RESOLUTIONS**

Senator Sims moved that **SCR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 36** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	Flotron	Schneider--3	
	Absent with leave--Senators--None		

Senator Johnson assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 892**; and **SCS** for **SB 793**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## HOUSE BILLS ON THIRD READING

**HCS** for **HB 1101**, with **SCS**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

A quorum was established by the following vote:

	Present--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	Absent--Senators		
Carter	Clay	Schneider--3	

**SCS** for **HCS** for **HB 1101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1101

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1101** be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1101** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1102**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be

expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

SCS for HCS for HB 1102, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1102

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Johnson assumed the Chair.

Senator Goode moved that SCS for HCS for HB 1102 be adopted.

Senator Bentley offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, Page 7, Section 2.115, Lines 3 and 5, by deleting "604,319" and inserting "654,319" on line 3, and further amend by deleting "762,475" and inserting "812,475" on line 5.

for the fine arts academy

Senator Bentley moved that the above amendment be adopted, which motion failed.

Senator Stoll assumed the Chair.

Senator Ehlmann offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, Page 3, Section 2.020, Line 26, by inserting after "Development" the following: **"; provided that for any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, RSMo, and subsection 1 of section 163.036, RSMo, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to this section, then the amounts shall be deducted pursuant to this section. For deductions made pursuant to this section, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the**



succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 1102**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1102**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Clay--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1103**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HB 1103**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 1103

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1103** be adopted.

Senator Goode offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1103, Pages 2 and 3, Section 3.040, Lines 3 and 4, by striking "\$292,060" on Page 2, Line 3 and placing in lieu thereof "\$331,959" and by striking "\$200,593" on Page 3, Line 4 and placing in lieu thereof "\$160,694".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 1103**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1103**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

#### NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1104**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HB 1104**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 1104

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1104** be adopted.

Senator Flotron offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1104, Page 1, Section 4.005, Line 3, by deleting the figure "\$40,117,761" and inserting in lieu thereof the figure "\$39,970,867"; and

Further amend said bill, page 1, section 4.005, line 5, by deleting the figure "40,669,961" and inserting in lieu thereof the figure "\$40,447,891"; and

Further amend said bill, page 2, section 4.005, line 17, by deleting the figure "1993.63" on said line and inserting in lieu thereof the figure "1988.63"; and

Further amend said bill, page 2, section 4.005, line 17, by deleting the figure "\$83,478,907" on said line and inserting in lieu thereof the figure "\$83,109,943"; and

Further amend said bill, page 21, by adjusting the bill totals accordingly.

Senator Flotron moved that the above amendment be adopted, which motion failed.

Senator Goode moved that **SCS** for **HCS** for **HB 1104** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1104** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

#### NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS for HB 1105**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS for HCS for HB 1105**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1105

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 1105** be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1105, Pages 15 and 16, Section 5.300, by deleting the Section in its entirety and further amend said bill, page 16, Section 5.305, by deleting the Section in its entirety.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1105, Page 2, Section 5.015, Line 7, by deleting the number "75,630" and inserting in lieu thereof the number "37,815"; and further amend said section, line 8, by deleting the number "11,200" and inserting in lieu thereof the number "5,600" and further amend said section, line 9, by deleting the number "86,830" and inserting in lieu thereof the number "43,415"; and further amend said section, by deleting line 10, and inserting in lieu thereof the following:

"Total (Not to exceed 31.80).....\$1,706,415".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 1105**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1105**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Kinder--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## REFERRALS

President Pro Tem Quick referred **SB 892** to the Committee on State Budget Control.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 954**; and **SCS** for **SBs 1027** and **815**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Quick referred **SCS** for **SB 954** and **SCS** for **SBs 1027** and **815** to the Committee on State Budget Control.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennie L. Crisp, Highway Five North, County Road 837, Post Office Box 165, Gainesville, Ozark County, Missouri 65655, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rebecca L. Culler, 1502 North Vansant, Clinton, Henry County, Missouri 64735, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, Douglas Oyer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynne E. Dresner, 8220 South Tomlin Hill Road, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Virginia D. Evans, 2548 West Paseo Boulevard, Kansas City, Jackson County, Missouri 64108, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, James E. Walker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Maria I. Gomez, 3719 Rue De Renard, St. Louis, St. Louis County, Missouri 63034, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald J. Gralike, 1675 F. Blue Ridge Drive, St. Louis, St. Louis County, Missouri 63125, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2000, and until his successor is duly appointed and qualified; vice, J.N. "Jack" Matthews, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry W. Griffin, Democrat, 2138 Red Oak Lane, Liberty, Clay County, Missouri 64068, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:



I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger E. Huckfeldt, M.D., 1530 East Erie, Number 304A, Springfield, Greene County, Missouri 65804, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, Dr. Laura Fitzmaurice-Amick, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol J. Pastoret, 1625 Wilson Avenue, Columbia, Boone County, Missouri 65201, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William C. Prince, 3406 West Camelot, Springfield, Greene County, Missouri 65807, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger L. Pryor, Democrat, 3410 Elm Point Road, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michelle L. Ray, 9309 Aster Avenue, St. Louis, St. Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending October 2, 2003, and until her successor is duly appointed and qualified; vice, Jennifer A. Marino, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne B. Schmidt, 4311 Alderwood Drive, Florissant, St. Louis County, Missouri 63033, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gwendolyn R. Swearingin, Republican, 305 West Walnut, Post Office Box 93, Ozark, Christian County, Missouri 65721, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Stephen L. Maxey, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah J. Tomich, Democrat, 34 Lake Forest, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County

Convention and Sports Facilities Authority, for a term ending April 27, 2001, and until her successor is duly appointed and qualified; vice, Reid L. Bronson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **INTRODUCTIONS OF GUESTS**

Senator Maxwell introduced to the Senate, his daughters, Megan and Shannon, and Sharon Michaels, Mexico; and Megan and Shannon were made honorary pages.

Senator Quick introduced to the Senate, the Physician of the Day, Dr. Jim Di Renna, D.O., Gladstone.

Senator Mathewson introduced to the Senate, Erin Jenkins, Brunswick.

Senator Kenney introduced to the Senate, Reta Hatfield, Patricia Lay, Jessie Evans, Kathryn Barton, Tracy Via, Corey Unrein, Nancy Moore, Eric Johnson, Rusty Shipley and Debbie Whistler, Blue Springs.

Senator Howard introduced to the Senate, Dempsey Craft and students from New Madrid County Central High School, New Madrid; and Takendra Brown, Sieretha Jones, Jessica Miller, Leslie Russell and Hunter Hendricks were made honorary pages.

Senator Bentley introduced to the Senate, her granddaughters, Emma and Grace Bentley, and Gwyn Knauer, Katie Lohmeyer, Holly Elliott and Dr. Anson Elliott, Springfield; and Emma, Grace, Gwyn, Katie and Holly were made honorary pages.

On behalf of Senator Johnson, the President introduced to the Senate, Tyler Scott, St. Joseph; Amber Hewitt, Rosendale; Oneida Gillispie, Savannah; and Brent Dunkel, Platte County; and Tyler, Amber and Brent were made honorary pages.

Senator Klarich introduced to the Senate, Gloria J. Karwoski, Vinita Park; and Christine Johnson, St. Peters.

Senator Bentley introduced to the Senate, participants in the Eighth Annual Take Your Daughters to Work Day; and 2000 Women Legislators of Missouri Scholarship Recipients: Rachel Gerth, Memphis; Rosemary M. Rolls, Harrisonville; Caitlin R. Donnelly, Manchester; Holli A. Brooks, Wright City; and Gretchen P. Copeland, New Madrid.

Senator Sims introduced to the Senate, Alexzandra Smith, Nakia Billups and Sieadah Farmer, St. Louis; and Alexzandra, Nakia and Sieadah were made honorary pages.

Senator Bland introduced to the Senate, her grandson, Matthew Edwards Bland Williams, Kansas City; and Matthew was made an honorary page.

Senator Westfall introduced to the Senate, Anson Elliot, Springfield.

Senator Howard introduced to the Senate, Gretchen Copeland, New Madrid; and Gretchen was made an honorary page.

Senator Russell introduced to the Senate, Patrick McGinnis, Lebanon; and Sandy Crawford, Buffalo.

Senator Caskey introduced to the Senate, Maria Gaw and Jared Wortman, Warrensburg; Chris Ducos and Barrie

Patrick, Centerview; Stanlee Miller and Rusty Wharton, Chilhowee; and Brent Lange and Sarah Conrad, Knob Noster; and Maria, Jared, Chris, Barrie, Stanlee, Rusty, Brent and Sarah were made honorary pages.

Senator Russell introduced to the Senate, Mr. Lee Eaton and sixty seventh grade students from Joel E. Barber School, Lebanon; and Ashley Dickenson, Tobin Moore, Samuel Morrison and Susie Koenig were made honorary pages.

Senator Quick introduced to the Senate, Marilee Frailey and eighth grade students from Eastgate Middle School, Kansas City; and Kris Ruiz, Alisa Polic, Mandy Forbis and Beth Marusarz were made honorary pages.

Senator Caskey introduced to the Senate, Raymond Troup and nineteen seventh and eighth grade students from Montrose Junior High School, Montrose; and Matt Swaters and Lindsey Jurgensmeyer were made honorary pages.

Senator Caskey introduced to the Senate, Dr. Shari Garber Bax, Warrensburg; and Dr. Krystyna Kujawinska-Courtney, Lodz, Poland.

Senator Johnson introduced to the Senate, Drew Cotton, Daniel Bauer, Dustin Bauer, Caleb Ridge, Mr. David Hoy, Kathy Bauer and Lisa Ridge, St. Joseph; and Drew, Daniel, Dustin and Caleb were made honorary pages.

Senator Jacob introduced to the Senate, fifth grade students from Grant Elementary School, Columbia; and Liana Presser, Nuzhat Chowdhury, Natalie Vargas, Chelsea Page, Ellen Beverley and Sonja Vignale were made honorary pages.

Senator Childers introduced to the Senate, Brandon Graves, Brett McKnight, Katy Witbrod, Amanda Marcelhis, Anna Jones, Erica Russell, Jacqueline Pardeck, Jerry Martin and Mary Arnold, Taney County.

Senator Childers introduced to the Senate, Bob Stanton, Camillia Rich, Bob Rich and Robert Rich, III, Gainesville; and Gordon Hawkins, Mark Warnick and Deb Eisenmann, Brixey.

Senator Howard introduced to the Senate, Ronnie Simmons, Portageville; and Roger Arnzen, Cape Girardeau.

Senator Mueller introduced to the Senate, Connie Unland, Deborah Poslosky, Linda Favero, Connie Sloan and fourth grade students from Mason Ridge Elementary School, Creve Coeur; and Jackie Blair, Stephen Wright, Michael Donovan, Christi Fox, Christopher Bates, Audrey Triska, Tracy Spewak and Cory Schraier were made honorary pages.

Senator Kinder introduced to the Senate, sixty fourth grade students from Blanchard Elementary School, Cape Girardeau; and Paige Bomar, Meahsha Newbern, Joseph Sullivan, Brayail Moore, Whitney Williams and Sirena Irving were made honorary pages.

Senator Singleton introduced to the Senate, Susan Wagner, Carthage; Sandy Van Wagner, Smithville; and Dorothy Whitler, Boonville.

Senator Howard introduced to the Senate, Ralph Jones, Hawk Point.

Senator Mueller introduced to the Senate, Christian Schaefer, Kristin Becker, Carrie Nilges, Pam Bogosian and fifth grade students from Barretts Elementary School, Manchester; and Maddie Sullivan, David Brown, Erin Collins, Carolyn Butterworth, Colin Heyer, Andrew Bingaman and Austin Callaway; and Drew Nilges, the grandson of former State Representative, the late Bill Hand, and former State Representative Al Nilges, and the students were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

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**FIFTY-EIGHTH DAY--WEDNESDAY, APRIL 19, 2000**

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The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Dr. Hans Seeley wrote: "Stress never depends on what happens to you, but on how you take it."

Gracious Father, we know that we have Your assurance that we can endure all things because of Your willingness to share the stresses of life with us. You have taught us how, in Peter's words, to "cast all our anxieties on You." So we are relieved of carrying the burden we are required to take on all by ourselves. No matter what the stressful situation, no matter what the anxiety of the moment, we are conscious of Your love of us and care for us. For which we give You thanks and praise. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Sims offered Senate Resolution No. 1551, regarding Amanda Walker, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1552, regarding Kathleen Margaret "Katie" Vogel, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1553, regarding Stephanye L. Pitts, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1554, regarding Laura Mayomi Neumann, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1555, regarding Sarah McConkey, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1556, regarding Amy Lynn Lowder, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1557, regarding Jennifer Papin, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1558, regarding Elizabeth Otte, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1559, regarding Elizabeth Katherine Pund, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1560, regarding Abrea Saltzman, Manchester, which was adopted.

Senator Sims offered Senate Resolution No. 1561, regarding Alana Marie Stillwell, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1562, regarding Julie A. Ahal, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 1563, regarding Trudy M. L. Aston, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1564, regarding Amy M. Cadwallader, Maryland Heights, which was adopted.

Senator Sims offered Senate Resolution No. 1565, regarding Teresa Cordonier, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1566, regarding Angela Deterding, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1567, regarding Karen Marie Heitmann, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1568, regarding Amanda Heuermann, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1569, regarding Rebecca S. Mitschele, Lake St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1570, regarding Lucinda Lee Guenther, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1571, regarding Casandra Guenther, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1572, regarding Jennifer Ann Samson, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 1573, regarding Desiree L. Daehnke, Wentzville, which was adopted.

Senator Sims offered Senate Resolution No. 1574, regarding Molly Sutter, St. Louis which was adopted.

Senator Sims offered Senate Resolution No. 1575, regarding Erin Lenger, Wildwood, which was adopted.

Senator Sims offered Senate Resolution No. 1576, regarding Elizabeth Grunz, Defiance, which was adopted.

Senator Sims offered Senate Resolution No. 1577, regarding Karen E. Sims, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 1578, regarding Kristin M. Vilbig, Ellisville, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 40**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1465**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 38**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SBs 959** and **598**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**CONCURRENT RESOLUTIONS**

Senator Staples moved that **SCR 22** be taken up for adoption, which motion prevailed.

On motion of Senator Staples, **SCR 22** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins--27	
NAYS--Senator Yeckel--1			
Absent--Senators			
Ehlmann	Flotron	Kinder	Rohrbach
Schneider	Singleton--6		
Absent with leave--Senators--None			

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1106**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture,



Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

Senator Johnson assumed the Chair.

**SCS** for **HCS** for **HB 1106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1106An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1106** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, Page 19, Section 6.305, by deleting said section.

Senator Klarich moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Goode offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, Page 19, Section 6.305, Line 4, by deleting lines 4 through 10.

Senator Goode moved that the above substitute amendment be adopted.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

At the request of Senator Goode, **SSA 1** for **SA 1** was withdrawn.

**SA 1** was again taken up.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, House, Singleton and Yeckel.

**SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Sims	Steelman	Stoll
Yeckel--13			
NAYS--Senators			
Bland	Carter	Caskey	Clay
DePasco	Goode	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins--21			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Klarich offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, Page 23, Section 6.372, Line 4, by deleting the figure "\$500,000" and inserting in lieu thereof, the following "\$0".

Senator Klarich moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Goode, **HCS** for **HB 1106**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Scott assumed the Chair.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1101** and has again taken up and passed **SCS** for **HCS** for **HB 1101**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1102**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt

**SCS for HCS for HB 1103**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1104** and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1105**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

## **REFERRALS**

President Pro Tem Quick referred **SCS for SBs 959 and 598** to the Committee on State Budget Control.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS for SBs 538 and 565**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## **REFERRALS**

President Pro Tem Quick referred **SCS for SBs 538 and 565** to the Committee on State Budget Control.

## **REPORTS OF STANDING COMMITTEES**

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS for SBs 1027 and 815; SCS for SB 954; SS for SS No. 3 for SJR 35; SB 892; and HB 1186**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

## **HOUSE BILLS ON THIRD READING**

Senator Goode moved that **HCS for HB 1106**, with **SCS and SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Stoll assumed the Chair.

**SA 2** was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, Page 19, Section 6.308, Line 6, by deleting the number "\$375,000" and inserting in lieu thereof "\$675,000".

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, Page 19, Section 6.305, Line 10, by adding: "The attorney general shall file a lawsuit at the earliest possible time in a court of competent jurisdiction challenging the legality and constitutionality of the Clean Air Act as applied to the state of Missouri.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 1106**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1106**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Klarich--1		
	Absent--Senators		
Mathewson	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1107**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic

Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS for HCS for HB 1107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1107An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 1107** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1107, Page 4, Section 7.040, Lines 1-9, by deleting said section and inserting in lieu thereof the following:

"Section 7.040. There is transferred out of the

State Treasury, chargeable to the General

Revenue Fund, Four Million Seven Hundred

Eighty-Four Thousand, One Hundred and

Eighty-Two Dollars (\$4,784,182) to the

Missouri Technology Investment Fund, for the

Electronic Materials Applied Research Center,

Mid-America Manufacturing Technology

Center, Innovation Centers, Small Business

Development Center Satellites, and Centers

for Advanced Technology.

From General Revenue Fund \$4,784,182".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS for HCS for HB 1107**, as amended, be adopted, which motion prevailed.

Senator Stoll assumed the Chair.

## PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Ehlmann moved that the vote by which **SCS** for **HCS** for **HB 1107**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

### YEAS--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

### NAYS--Senators

Bland	Carter	Caskey	Clay
Howard	Russell	Scott--7	

Absent--Senators--None

Absent with leave--Senators--None

**SCS** for **HCS** for **HB 1107**, as amended, was again taken up.

Senator Ehlmann offered **SA 2**, which was read:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1107, Page 3, Section 7.025, Lines 2-11, by deleting said lines.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 1107**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1107**, as amended, was read the 3rd time and passed by the following vote:

### YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

### NAYS--Senators

Carter	Howard--2
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Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

**HCS for HB 1108, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS for HCS for HB 1108, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1108An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 1108** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS for HCS for HB 1108** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senator Singleton--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## **RESOLUTIONS**

Senator Kinder offered Senate Resolution No. 1579, regarding Courtney W. "Corey" Schreckenber, Leopold, which was adopted.

Senator Maxwell offered Senate Resolution No. 1580, regarding Dr. Marvin Elwood Rice, Mexico, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Caskey introduced to the Senate, Larry and Jean Shannon, Bates County.

Senator Stoll introduced to the Senate, Ron and Tamara Ford, Arnold; and Bill and Jan Hensley, Imperial.

Senator Childers introduced to the Senate, Dick Erickson and Marjorie Taylor, Kimberling City.

Senator Carter introduced to the Senate, Amy Hilgemann, Ph.D., St. Louis; and Diane and Arvetta Batts and Ebony Ingram, Wood River, Illinois; and Diane, Arvetta and Ebony were made honorary pages.

Senator Mathewson introduced to the Senate, thirty-nine eleventh grade students from Northwest High School, Hughesville; and Ryan Cunningham, Jared Hoskins, Matt Karbinas and Amy Troutman were made honorary pages.

Senator Singleton introduced to the Senate, Brett Urich and Jeanne Wells, Carthage.

Senator Bentley introduced to the Senate, fourth grade students from Wanda Gray Elementary School, Springfield; and Christina Buckner, Stephanie Anderson and Nile Forsythe were made honorary pages.

Senator Mathewson introduced to the Senate, his grandchildren, Eric and Morgan Mathewson, Springfield; and Eric and Morgan were made honorary pages.

Senator Staples introduced to the Senate, fourth grade students from Eminence.

Senator Sims introduced to the Senate, forty-nine fifth grade students from Oak Hill School, St. Louis; and Anaelise Atkin, Kyle Schwert, Laura Ryback and Lizzie Griesedieck were made honorary pages.

Senator House introduced to the Senate, the Lincoln County Commissioner and Mrs. David Oney and Jared Uthe, Troy; and Jared was made an honorary page.

On behalf of Senator Quick, the President introduced to the Senate, Larry Harmon, Megan Norbert and students from Topping Elementary School, Kansas City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Ron Swinfard, M.D., Columbia.

Senator Mathewson introduced to the Senate, Dr. Joe and Linda Huff, Dr. Robert Nelson, Dr. JC Standlee, Dr. and Mrs. Jacob Lippert and members of the Missouri Dental Association.

Senator Kenney introduced to the Senate, Dr. Stanley Hite and Dr. Dan Blackwell, Lee's Summit; and Dr. Ken Weinand, Independence.

Senator Singleton introduced to the Senate, representatives of the English as a Second Language Group from Neosho R-VIII Schools.

Senator Klarich introduced to the Senate, Alyse Theisen, West St. Louis County; and Alyse was made an honorary page.



On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY--THURSDAY, APRIL 20, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 68: 19-20: "Blessed be the Lord, who daily bears us up; God is our salvation. Our God is a God of salvation, and to God, the Lord, belongs escape from death."

Redeemer God, help us to look at this weekend more than an extra Monday off, but a time for family and hearing the promise of life after death and the renewal of life that helps us celebrate the gifts of love and being alive fully with each other. In a week that remembers the violent deaths of men, women and children; in Texas, Oklahoma and Colorado, it is good to know You are the giver of life eternal. So we pray, burst forth the flames of our faith once again so that we may live each day as Your servants knowing the hope that life in You continues forever. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

## Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator House offered Senate Resolution No. 1581, regarding Betty Takahashi, Wentzville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1582, regarding Martha Jean Langford, St. Louis County, which was adopted.

Senator Klarich offered Senate Resolution No. 1583, regarding Corrections Officer I Richard Engel, Caledonia, which

was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1443**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HB 1615**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1808**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HBs 1566** and **1810**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HCS** for **HBs 1386** and **1086**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1082**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1706**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HS** for **HCS** for **HB 1076**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HB 1603**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Jacob, Chairman of the Committee on Insurance and Housing, Senator House submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1292**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1434**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1434, Page 4, Section 316.210, Line 1, by striking the second occurrence of the word "**person**" and inserting in lieu thereof the word "**owner**".

President Wilson assumed the Chair.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John J. McNerney, as a member of the Elevator Safety Board;

Also,

Susan M. Abdel-Rahman, Stacy A. Mangum and Jennifer Cordes-Rich, as members of the Drug Utilization Review Board;

Also,

Byron McCallum, as a member of the Linked Deposits Review Committee;

Also,

Barry G. Guier and Yetta B. Kilgore, as members of the Missouri Citizen's Commission on Compensation for Elected Officials;

Also,

Sheryl L. Maxwell and William Craig Hosmer, as members of the Missouri Community Service Commission;

Also,

Bernard A. Orman, Jr., as a member of the State Advisory Council on Emergency Medical Services;

Also,

Donald J. Miller, Rosemary G. Hogan and Martha A. Gragg, as members of the Missouri Board for Respiratory Care;

Also,

Sherry F. Hooper, as a member of the Missouri State Historical Records Advisory Board;

Also,

Anitra L. Nevels, as a public member of the Advisory Commission for Physician Assistants;

Also,

A. James Proffitt, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Robert M. Robuck, as a member of the State Banking Board;

Also,

John R. Lowry, as a member of the Advisory Commission for Physical Therapists;

Also,

Wayne E. Giles, as a member of the Missouri Training and Employment Council;

Also,

Carrie L. McCray and Loretto A. Durham, as members of the Missouri State Committee of Interpreters;

Also,

Muriel W. Battle, as a member of the Missouri Gaming Commission;

Also,

Debra L. Snoke and M. Elise Crain, as members of the Missouri Commission on Human Rights;

Also,

Daniel R. Keller and Louis P. Hamilton, as members of the Tourism Commission;

Also,

Harold D. Cleberg, Mary Louise Bussabarger and Gerald J. Zafft, as members of the Missouri Family Trust Fund Board of Trustees;

Also,

Cleatus S. Stanfill, as a member of the Mississippi River Parkway Commission;

Also,

Richard C. Robinson, Sr., as a member of the Missouri Board of Barber Examiners.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 772** and **SS** for **SJR 31**, begs leave to report that it has considered the same and recommends that the bill and joint resolution do pass.

### **PRIVILEGED MOTIONS**

Senator Goode requested unanimous consent of the Senate to make one motion sending **SCS** for **HCS** for **HB 1102**, as amended, through **SCS** for **HCS** for **HB 1105**, as amended, to conference, which request was granted.

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1102**, as amended; **SCS** for **HCS** for **HB 1103**, as amended; **SCS** for **HCS** for **HB 1104**; and **SCS** for **HCS** for **HB 1105**, as amended, and grant the House a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1109**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HB 1109**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1109

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1109** be adopted.

Senator Clay offered **SA 1**:

### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1109, Page 13, Section 9.410, Line 8, by deleting the number "12,847,104" and inserting in lieu thereof the number "13,432,104"; and further amend said section, line 9, by deleting the number "22,805,938" and inserting in lieu thereof the number "23,390,938"; and further amend said section, line 17, by deleting the number "24,742,004" and inserting in lieu thereof the number "25,327,004".

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Goode moved that **SCS** for **HCS** for **HB 1109** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1109** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Clay--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## RESOLUTIONS

Senator Yeckel offered the following resolution, which was read and adopted:

### SENATE RESOLUTION NO. 1584

WHEREAS, adoption is an act of love that lasts a lifetime and transcends all boundaries; and

WHEREAS, the people of Russia were confronted with serious economic difficulties and tremendous hardships; and

WHEREAS, on the twenty-second day of June, in the year 1998, a little boy was born in the Kalininskiy District of the City of St. Petersburg, Russia; and

WHEREAS, due to the terrible hardships, the little boy's birth mother surrendered custody immediately upon his birth, so the boy could be adopted by a family better able to care for all his needs; and

WHEREAS, the little boy was placed in Orphanage Number 4 in the Vyborg District of the city of St. Petersburg, Russia where he remained until Tuesday, January 26, 1999; and

WHEREAS, a Missouri family traveled to Saint Petersburg, Russia in January 1999 to bring the little boy home to America as their son; and

WHEREAS, the Missouri couple stood before the Russian Courts in St. Petersburg on January 27, 1999 and officially became the parents of the little boy; and

WHEREAS, from that day forward the little boy was known to the world as Joseph Trevor Howard, son of John T. and Sara D. Howard of St. Louis, Missouri; and

WHEREAS, Joseph has brought great joy and happiness to the Howard family as he grows to know his aunts, uncles, cousins, and most

importantly, his grandparents Jerry T. and Shirla Howard; and

WHEREAS, on this day, April 20, 2000 Joseph Trevor Howard has become a citizen of the United States of America; and

NOW, BE IT THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to express our heartfelt congratulations to a proud grandfather, Jerry T. Howard, his son John T. and his daughter-in-law Sara D. Howard, and most of all to a promising young American, Joseph T. Howard on the day Joseph officially became an American citizen; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Joseph T. Howard to mark the date of his citizenship.

Senator Johnson assumed the Chair.

The Senate stood in a moment of silence in memory of former State Senator E. Richard Southern.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 1110, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS for HCS for HB 1110, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR**

**HOUSE COMMITTEE SUBSTITUTE FOR**

**HOUSE BILL NO. 1110**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 1110** be adopted.

Senator Steelman offered **SA 1:**

### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, Page 23, Section 10.635, Line 7, by inserting immediately thereafter the following: "For the Central Region AHEC, From General Revenue \$200,000"; and Further amend said section, line 9, by deleting the number "\$4,340,000" and inserting the number "\$4,540,000".

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator Sims offered **SA 2**, which was read:



## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, Page 13, Section 10.415, Line 3, by deleting the figure "\$68,534,872" and inserting in lieu thereof the figure "70,454,537"; and

Further amend said section, page 14, line 27 accordingly; and

Further amend said section, line 27, by deleting the number "113,881,177" and inserting in lieu thereof the number "115,800,842".

Senator Sims moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, Pages 13-14, Section 10.415, Line 16, by inserting a line to read "For the purpose of funding autistic services through the St. Louis Regional Center \$350,000 General Revenue".; and

Further amend said section, line 27, by deleting the number "\$113,881,177" and inserting in lieu thereof the number "\$114,231,177".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 4**:

## SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, Page 20, Section 10.600, Line 3, by inserting immediately after the word "support" the following:

"provided that no state funds shall be used to compensate legal counsel, hire attorneys, or for legal consulting"; and further amend said section by deleting the number "\$2,252,778" and inserting in lieu thereof the number, "\$2,219,329". Line 6, by deleting the number "\$2,728,047" and inserting in lieu thereof the number "\$2,694,598". Line 10 by deleting said line, and inserting in lieu thereof "Total(Not to exceed 86.20 FTE).....\$4,240,614"; and

Further amend said bill, Section 10.655, line 3, by inserting immediately after the word "support" the following: "provided that no state funds shall be used to compensate legal counsel, hire attorneys, or for legal consulting"; and

Further amend said bill section 10.760 line 4 by deleting the number "\$2,950,369" and inserting in lieu thereof the number "\$2,895,805". Line 6, by deleting the number "\$3,470,834" and inserting the number "\$3,416,270" in lieu thereof. Line 26 by deleting said line, and inserting in lieu thereof

"Total (Not to exceed 257.51 FTE.....\$11,658,463".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Schneider offered **SA 5**:

## SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, Page 32, Section

10.710, Line 154, by striking out the number "\$5,418,639" and inserting in lieu thereof the number "\$5,268,639" and further amend said section, line 156, by striking the number "\$6,883,458" and inserting in lieu thereof the number "\$6,733,458"; and further amend said bill, page 33, Section 10.715, line 35, by striking the number "\$1,000,000" and inserting in lieu thereof the number "\$1,150,000."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 1110**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1110**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1111**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HB 1111**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1111

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1111** be adopted.

Senator Clay offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 4, Section 11.020, Line 7, by inserting immediately after said section the following new section:

"Section 11.025. To the Department of Social Services

For the purpose of funding annual salary adjustments in lieu of the state-wide pay plan as follows: for Social Service Workers I and II, Caseworkers, and Self-Sufficiency Case Managers, a one range repositioning, and an additional \$600 effective July 1, 2000, and an additional \$420 effective January 1, 2001; for those employee titles not specifically addressed, who are at or below range 19 on the pay grid, an additional \$2,000 effective July 1, 2000; for those employee titles not specifically addressed, who are above range 19 on the pay grid an additional \$1,200 effective July 1, 2000.

Personal Service

From General Revenue Fund \$1,221,703

From Federal and Other Funds 1,296,118

Total \$2,517,821".

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Howard offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 1, In the Title, Line 2, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill and page, Section 11.005, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend Line 3, by inserting immediately after the word Director the following: "and provided that the Department of Social Services shall now be known as the Department of Senior and Social Services"; and

Further amend said bill, Page 2, Section 11.010, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 3, Section 11.015, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 4, Section 11.020, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 4, Section 11.030, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 4, Section 11.035, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 5, Section 11.040, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 5, Section 11.045, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 5, Section 11.050, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 6, Section 11.055, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 6, Section 11.060, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 7, Section 11.065, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 8, Section 11.070, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 8, Section 11.075, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 8, Section 11.080, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 9, Section 11.085, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 9, Section 11.090, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 9, Section 11.100, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 9, Section 11.105, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 9, Section 11.120, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 10, Section 11.125, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 10, Section 11.130, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 10, Section 11.135, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 11, Section 11.140, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 11, Section 11.145, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 12, Section 11.150, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 12, Section 11.155, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 12, Section 11.160, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 13, Section 11.165, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 13, Section 11.170, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 13, Section 11.175, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 14, Section 11.180, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 14, Section 11.185, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 14, Section 11.190, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 14, Section 11.195, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 14, Section 11.200, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 15, Section 11.205, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 15, Section 11.210, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 15, Section 11.215, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 15, Section 11.220, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 15, Section 11.225, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 16, Section 11.230, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 16, Section 11.235, Line 1, by inserting after "Department of" the following: "Senior

and"; and

Further amend said bill, Page 17, Section 11.240, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 18, Section 11.245, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 18, Section 11.250, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 18, Section 11.255, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 19, Section 11.260, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 19, Section 11.265, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 19, Section 11.270, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 19, Section 11.275, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 19, Section 11.300, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 20, Section 11.305, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 20, Section 11.310, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 21, Section 11.400, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 21, Section 11.401, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 22, Section 11.410, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 22, Section 11.415, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 22, Section 11.420, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 22, Section 11.425, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 23, Section 11.430, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 23, Section 11.435, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 23, Section 11.440, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 23, Section 11.445, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 25, Section 11.450, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 25, Section 11.455, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 25, Section 11.460, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 26, Section 11.465, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 26, Section 11.470, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 6, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 27, Section 11.472, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 6, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 27, Section 11.475, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 29, Section 11.505, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 29, Section 11.510, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 29, Section 11.515, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 29, Section 11.520, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 30, Section 11.525, Line 1, by inserting after "Department of" the following: "Senior and"; and

Further amend said bill, Page 30, Section 11.600, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services"; and

Further amend said bill, Page 30, Section 11.605, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services"; and

Further amend said bill, Page 31, Section 11.610, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services"; and

Further amend said bill, Page 31, Section 11.615, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services"; and

Further amend said bill, Page 31, Section 11.620, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services"; and

Further amend said bill, Page 32, Section 11.625, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services"; and

Further amend said bill, Page 32, Section 11.630, Line 1, by inserting after "Department of" the following: "Senior and"; and further amend line 2, by striking "Division of Aging" and inserting in lieu thereof "Senior Services".

Senator Howard moved that the above amendment be adopted, which motion failed.

Senator Bland offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 18, Section 11.255, Line 3, by inserting after the word "Communities", the following:

"provided that funds appropriated within this section only be provided to organizations whose voting members are Missouri residents."

And further amend said section, line 5, by inserting after the word "payments" the following:

"provided that funds appropriated within this section only be provided to organizations whose voting members are Missouri residents."

And further amend said section, line 7, by inserting after the word "payments" the following:

"provided that funds appropriated within this section only be provided to organizations whose voting members are Missouri residents."

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 25, Section 11.450, Line 12, by deleting the number "28,290,868" and inserting in lieu thereof the number "25,290,868"; and further amend said section, line 14, by deleting the number "75,086,330" and inserting in lieu thereof the number "72,086,330"; and further amend said bill, page 17, Section 11.235, line 24, by deleting the number "27,400,000" and inserting in lieu thereof the number "30,400,000"; and further amend said bill, page 17, Section 11.235, line 41, by deleting "110,221,676" and inserting in lieu thereof the number "113,221,676".

Senator Bentley moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 4**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 22, Section 11.415, Line 1, by deleting lines 1 through 7 of said section and further amend said bill, page 17, section 11.235, line 24, by deleting the number "27,400,000" and insert in lieu thereof the number "29,370,000".



Senator Childers moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Kenney, Steelman and Yeckel.

**SSA 1 for SA 4** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Jacob	Kenney
Kinder	Klarich	Mueller	Rohrbach
Stelman	Yeckel--14		
NAYS--Senators			
Carter	Caskey	DePasco	Goode
Howard	Johnson	Mathewson	Maxwell
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins--18		
Absent--Senators			
Bland	Clay--2		
Absent with leave--Senators--None			

Senator Johnson assumed the Chair.

**SA 4** was again taken up.

At the request of Senator Bentley, the above amendment was withdrawn.

Senator Steelman offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Pages 24 and 25, Section 11.445, Lines 32-39, by deleting all of said lines and inserting in lieu thereof the following:

"For the purpose of funding per diem care in nursing facilities at the highest level possible within appropriations based upon the 1998 audited cost reports as reported by the Division of Medical Services, Program for All-Inclusive Care for the Elderly, or other long-term care services under the Medicaid fee-for-service and managed care programs

From General Revenue Fund.....193,000,000  
From Federal Funds.....356,402,068  
From Uncompensated Care Fund.....35,600,000  
Total (0 F.T.E.).....\$775,170,915".

Senator Steelman moved that the above amendment be adopted.

Senator Kenney offered **SSA 1 for SA 5**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Pages 24 and 25,

Section 11.445, Lines 32-39, by deleting all of said lines and inserting in lieu thereof the following:

"For the purpose of funding per diem care in nursing facilities at the highest level possible within appropriations based upon the 1998 audited cost reports as reported by the Division of Medical Services, Program for All-Inclusive Care for the Elderly, or other long-term care services under the Medicaid fee-for-service and managed care programs.

From General Revenue Fund.....\$163,000,000  
From Federal Funds.....\$311,402,068  
From Uncompensated Care Fund.....\$ 35,600,000  
Total (0 F.T.E.).....\$700,270,915".

Senator Kenney moved that the above substitute amendment be adopted.

At the request of Senator Goode, **HCS** for **HB 1111**, with **SCS**, **SA 5** and **SSA 1** for **SA 5** (pending), was placed on the Informal Calendar.

Senator Mathewson assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1106**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1107**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1108** and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1113**, entitled:

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1121**, entitled:

An Act to appropriate money for expenses, grants, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2000 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1711**, entitled:

An Act to amend chapter 376, RSMo, relating to health insurance by adding thereto three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1967**, entitled:

An Act to repeal sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, relating to boundary commissions in certain counties, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1472**, entitled:

An Act to repeal section 210.865, RSMo Supp. 1999, relating to the state juvenile information system, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **PRIVILEGED MOTIONS**

Senator Goode requested unanimous consent of the Senate to make one motion sending **SCS** for **HCS** for **HB 1106**, as amended, through **SCS** for **HCS** for **HB 1108** to conference, which request was granted.

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1106**, as amended; **SCS** for **HCS** for **HB 1107**, as amended; and **SCS** for **HCS** for **HB 1108** and grant the House a conference thereon, which motion prevailed

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CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committees to act with like committees from the House on **HCS** for **HB 1102**, with **SCS**, as amended; **HCS** for **HB 1103**, with **SCS**, as amended; **HCS** for **HB 1104**, with **SCS**; **HCS** for **HB 1105**, with **SCS**, as amended; **HCS** for **HB 1106**, with **SCS**, as amended; **HCS** for **HB 1107**, with **SCS**, as amended; and **HCS** for **HB 1108**, with **SCS**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

HOUSE BILLS ON THIRD READING

Senator Goode moved that **HCS** for **HB 1111**, with **SCS**, **SA 5** and **SSA 1** for **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SSA 1** for **SA 5** was again taken up.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 5 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 1, Line 6 of said amendment, by inserting at the end thereof the words, "**, provided that any increase in funding over the FY2000 core amount will take effect only upon repeal of the deduction allowed against the state income tax for federal corporate income tax liability.**".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Rohrbach, Singleton and Staples.

**SA 1** to **SSA 1** for **SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Goode
Jacob	Mathewson	Quick	Schneider
Staples--9			
NAYS--Senators			
Bentley	Carter	Childers	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senator Clay--1			
Absent with leave--Senators--None			

Senator Schneider offered **SA 2** to **SSA 1** for **SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 5 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 1, Section 11.445, Line 6 of said page, by inserting immediately after the word "programs" the following new language: "provided that the increased funding is utilized from tobacco settlement moneys".

Senator Schneider moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 2** to **SSA 1** for **SA 5** is out of order as it attempts to legislate through an appropriations bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 2** to **SSA 1** for **SA 5** was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Schneider offered **SA 3** to **SSA 1** for **SA 5**, which was read:

SENATE AMENDMENT NO. 3 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 5 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, by deleting lines 7-10 and inserting in lieu thereof the following new lines:

"From General Revenue Fund	\$141,000,000
From Federal Funds	\$311,402,068
From Uncompensated Care Fund	\$ 35,600,000
From Tobacco Settlement Proceeds	\$ 22,000,000
Total (0 F.T.E.)	\$700,270,915".

Senator Schneider moved that the above amendment be adopted.

Senator Quick requested a roll call vote be taken on the adoption of **SA 3** to **SSA 1** for **SA 5** and was joined in his request by Senators Klarich, Singleton, Steelman and Childers.

**SA 3** to **SSA 1** for **SA 5** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Kenney	Kinder	Klarich	Mathewson
Rohrbach	Russell	Schneider	Scott
Staples	Steelman	Stoll	Yeckel--24
	NAYS--Senators		
Jacob	Johnson	Maxwell	Mueller
Quick	Sims	Singleton	Westfall
Wiggins--9			
	Absent--Senator Clay--1		
	Absent with leave--Senators--None		

**SSA 1 for SA 5**, as amended, was again taken up.

Senator Kenney moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Rohrbach, Klarich and Schneider.

**SSA 1 for SA 5**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Schneider	Scott	Sims	Steelman
Yeckel--21			
	NAYS--Senators		
Bland	Carter	Goode	Jacob
Maxwell	Quick	Russell	Singleton
Staples	Stoll	Westfall	Wiggins--12
	Absent--Senator Clay--1		
	Absent with leave--Senators--None		

Senator Bentley offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 17, Section 11.235, Line 41, by inserting the following new section after "\$110,221,676"

"Section 11.236. To the Department of Social Services

For the Division of Family Services

For the purpose of funding enhanced foster care program payments.

From General Revenue Fund.....\$1,500,000"; and

Further amend said bill, section 11.415, Page 22, line 5, by deleting "\$1,970,000" and inserting "\$470,000" and line 7, by deleting "\$3,940,527" and inserting "\$2,440,527"; and further amend said section, by inserting immediately after section 11.525, page 30, line 12, the following new section:

"Section 11.530. To the Department of Social Services

For the purpose of funding the following medicaid outreach activities:

contractor payments associated with managed care eligibility and enrollment of medicaid recipients:

From federal funds.....\$1,500,000.00".

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Goode offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 1, Section 11.005, Line 3, by inserting immediately after the word "Director" the following: "provided that the rate of fees are increased for all providers not to exceed the same rate increase as received by the nursing home industry".

Senator Goode moved that the above amendment be adopted.

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Goode, Kenney, Rohrbach and Westfall.

**SA 7** was adopted by the following vote:

YEAS--Senators			
Bland	Carter	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Schneider	Singleton
Staples	Stoll	Westfall	Wiggins--16
NAYS--Senators			
Bentley	Caskey	Childers	Ehlmann
Flotron	Graves	Kenney	Klarich
Rohrbach	Russell	Scott	Sims
Steelman	Yeckel--14		
Absent--Senators			
Clay	Kinder	Mueller	Quick--4
Absent with leave--Senators--None			

Senator Goode moved that **SCS** for **HCS** for **HB 1111**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1111**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			

Clay

Absent--Senators

Kinder

Mueller

Quick--4

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1698**, entitled:

An Act to repeal section 84.160, RSMo Supp. 1999, relating to compensation for police officers in certain cities, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1881**, entitled:

An Act to repeal section 227.020, RSMo 1994, relating to the state highways and road system, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1762**, entitled:

An Act to repeal sections 32.105 and 32.110, RSMo Supp. 1999, relating to economic development assistance, and to enact in lieu thereof ten new sections relating to marketing of Missouri agricultural products.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1464**, entitled:



An Act to amend chapter 407, RSMo, relating to merchandising practices by adding thereto one new section relating to funeral merchandise.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1326**, entitled:

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Johnson offered Senate Resolution No. 1585, regarding Dana Staley, King City, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Klarich introduced to the Senate, students from Meramec Community Schools; and Chanta, Michael and Charissa Wilhite, Shimira and Lasheka Cousins and Shonasee Grant were made honorary pages.

On behalf of Senator Quick, the President introduced to the Senate, Dr. and Mrs. Leone, Niagara Falls, New York; Karen Jamarusty, Ithaca, New York; and Hannah and Emily Leone, St. Louis.

Senator Wiggins introduced to the Senate, Erin Mullally, Jefferson City; and Erin was made an honorary page.

Senator Flotron introduced to the Senate, one hundred fifteen fourth grade students from Highcroft Ridge Elementary School, Chesterfield.

Senator Rohrbach introduced to the Senate, Billie Litton and students from Blackwater School, Blackwater.

Senator Mathewson introduced to the Senate, Senator Caskey's wife, Kay and his father, Alfred Caskey, Butler; his brothers Robert Caskey, Windsor; and Leon Caskey, Clinton; his aunt, Virginia Finley, Hume; his cousin, Jan Craft, Butler; and Keith Mullis, El Dorado, Arkansas; Lawrence Elledge and Richard Brooks, Overland Park, Kansas; Kenneth Henne, Raytown; Lila Sue Spratt Renkin, Nevada; Kenneth Sivils, Springfield; Arnold Fitzgerald, Kansas City; Bonnie Briscoe, Foster; Charles and Nina O'Rear Clark, Fort Scott, Kansas; and other members of the Hume High School Class of 1955.

Senator Caskey introduced to the Senate, Katie Dyer and forty-eight eighth grade students from Cass Midway School, Cleveland.

Senator Westfall introduced to the Senate, Kristen Ashlock, Bolivar; and Kristen was made an honorary page.

Senator Howard introduced to the Senate, Adrienne Hunter, New Madrid; and Mark Bartlett, Sikeston.

Senator Jacob introduced to the Senate, fifth grade students from Harrisburg Elementary School, Harrisburg.

Senator Carter introduced to the Senate, Bob Wallace, Senior Vice President; Mike Jones, Linebacker; Grant

Winstrom, Defensive End; and Cheerleaders Jesse Kashmerick, Elaine Bear, Amy McWhorter and Michaelenne Kapper, members of the St. Louis Rams Football Organization; and Dick Fleming, St. Louis.

Senator Caskey introduced to the Senate, Barbara Harms, Lisa Berry, Bonnie Ralle and seventy students from Hume School, Hume.

Senator Flotron introduced to the Senate, Mary Lou Fisher and students and parents with the Program for Exceptionally Gifted Students from Carrollton Oaks School, Bridgeton; and Janani Balasubramanian, Dakota Jones, Ann Kneib and Daniel Duncan were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 3:00 p.m., Tuesday, April 25, 2000.

# Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 25, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

Senator Westfall offered the following prayer:

Our Heavenly Father, we call on Your Holy Name to express our gratitude for the many blessings of life. We're especially grateful for the blessings and opportunities we enjoy as Americans. During the final weeks and days of this session allow each of our hearts to help us have patience with one another, that we might not only come up with good answers, but we might understand the thoughts of others and be patient and understanding with them. Help us to conduct ourselves in a way that would glorify thy name and be fitting in thy sight. We pray in thy name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 20, 2000, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Sims offered Senate Resolution No. 1586, regarding Maureen Downs, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1587, regarding Allison E. Hill, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1588, regarding Elizabeth Renee Elliott, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1589, regarding Kathryn B. Coile, Hillsboro, which was adopted.

Senator Sims offered Senate Resolution No. 1590, regarding Angela Clouse, Breckenridge Hills, which was adopted.

Senator Sims offered Senate Resolution No. 1591, regarding Alison Worsham, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1592, regarding Melissa Lebens, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1593, regarding Heather Hall, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1594, regarding Melanie Apple, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1595, regarding Krista Jean Mires, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1596, regarding Monica Welsch, Catawissa, which was adopted.

Senator Sims offered Senate Resolution No. 1597, regarding Natalie Waymack, Hazelwood, which was adopted.

Senator Sims offered Senate Resolution No. 1598, regarding Melissa Newberry, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1599, regarding Laura Frances Mueth, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1600, regarding Crystal Marie Meyers, Waterloo, Illinois, which was adopted.

Senator Sims offered Senate Resolution No. 1601, regarding Rose Meyer, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1602, regarding Jessica Mattison, Wentzville, which was adopted.

Senator Sims offered Senate Resolution No. 1603, regarding Patricia Lynn Klinger, Stanton, which was adopted.

Senator Sims offered Senate Resolution No. 1604, regarding Danielle R. Hawthorne, Bonne Terre, which was adopted.

Senator Sims offered Senate Resolution No. 1605, regarding Allyson Lauren Harper, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1606, regarding Alexis Nawon Cunningham, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1607, regarding Stephanie Cole, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1608, regarding Kathleen Casey, St. Louis, which was adopted.

Senator Johnson offered Senate Resolution No. 1609, regarding Mr. Jerry D. Thompson, Savannah, which was adopted.

Senator Howard offered Senate Resolution No. 1610, regarding the One Hundredth Birthday of Erma Christian, Bloomfield, which was adopted.

Senator Howard offered Senate Resolution No. 1611, regarding the Reverend Harold Norton, which was adopted.

Senator Maxwell offered Senate Resolution No. 1612, regarding William M. Tritz, Kirksville, which was adopted.

Senator Maxwell offered Senate Resolution No. 1613, regarding Albert Fountain, Hannibal, which was adopted.

Senators Klarich and Scott offered Senate Resolution No. 1614, regarding Randall D. "Randy" Barron, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 1615, regarding the Ninetieth Birthday of B. W. "Bill" Harrison, Cape

Girardeau, which was adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1616

WHEREAS, the members of the Missouri Senate are fully cognizant of the meaningful role which the Boy Scouts of America organization plays in offering a well-rounded program of activities designed to prepare young men for the many diverse challenges of responsible citizenship; and

WHEREAS, Logan James Raymond Shearburn of Webster Groves, Missouri, has been privileged to participate in such activities as a loyal, diligent, and industrious member of Troop 301, which will bestow upon him the rank of Eagle Scout during appropriate ceremonies on May 22, 2000, at the First Congregational Church of Webster Groves; and

WHEREAS, Logan culminated nine years of Scouting endeavor with the successful completion of his required Eagle project that took him many hours to plan, organize, and carry out for the overall benefit of his community by landscaping the area around two signs at the Webster Groves City Hall; and

WHEREAS, the son of Jim and Geneva Shearburn, Logan always took the time and continually put forth the energy to perform his duties in the most efficient and effective manner possible and truly excelled while assuming responsibility as Color Guard, Senior Patrol Leader, Den Chief, Quartermaster, Assistant Patrol Leader, and Patrol Leader; and

WHEREAS, Logan has ample reason to be exceedingly proud of his other impressive achievements which include earning twenty-six merit badges and the 100 Miler Hiking award; completing Junior Leader Training Camp; and participating in a High Adventure trip to the Florida Sea Base; and

WHEREAS, an active member of Our Holy Redeemer Parish, Logan maintains a 3.6 G.P.A. at Webster Groves High School, where he is a member of the Marching Band and Junior Varsity Tennis Team; has played Offensive/Defensive Lineman for the freshman Football Team; has been named Social Studies Student of the Week; and has received the Renaissance Achievement Award:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in conveying to Logan Shearburn a message of appreciation for his steadfast determination to succeed in Scouts, in congratulating him as he attains the rank of Eagle, and in wishing him much fulfillment in pursuing new avenues of challenge in the years ahead; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Eagle Scout Logan James Raymond Shearburn.

Senator Bentley offered Senate Resolution No. 1617, regarding Renee Martin, Nixa, which was adopted.

Senator Bentley offered Senate Resolution No. 1618, regarding Michelle Wells, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1619, regarding Guinevere "Guin" Cox, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1620, regarding Rebecca "Becki" Godi, Salem, which was adopted.

Senator Bentley offered Senate Resolution No. 1621, regarding Nicole Eddings, Salem, which was adopted.

Senator Bentley offered Senate Resolution No. 1622, regarding LicLani Pikka, Rolla, which was adopted.

Senator Bentley offered Senate Resolution No. 1623, regarding Kara Garcia, Rolla, which was adopted.

Senator Bentley offered Senate Resolution No. 1624, regarding Emily Scheidemantel, Lenox, which was adopted.

Senator Bentley offered Senate Resolution No. 1625, regarding Kathleen Cottrell, Rolla, which was adopted.

Senator Bentley offered Senate Resolution No. 1626, regarding Jennifer Mary Worsey, Rolla, which was adopted.

Senator Bentley offered Senate Resolution No. 1627, regarding Amber Dawn Na'ayem, Springfield, which was adopted.

### THIRD READING OF SENATE BILLS

**SB 772** was placed on the Informal Calendar.

**SS** for **SS No. 3** for **SJR 35** was placed on the Informal Calendar.

**SB 851** was placed on the Informal Calendar.

**SB 830**, introduced by Senator Caskey, entitled:

An Act to repeal section 211.073, RSMo Supp. 1999, relating to juveniles, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob assumed the Chair.

On motion of Senator Caskey, **SB 830** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Carter	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins--27	
	NAYS--Senator Howard--1		
	Absent--Senators		
Bentley	Graves	House	Singleton--4
	Absent with leave--Senators		
Bland	Yeckel--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SS** for **SJR 31**, introduced by Senator Schneider, entitled:

### SENATE SUBSTITUTE FOR

### SENATE JOINT RESOLUTION NO. 31

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SS** for **SJR 31** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Clay	Flotron
Goode	Howard	Jacob	Johnson
Klarich	Mathewson	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--21			
NAYS--Senators			
Caskey	Childers	Ehlmann	Graves
House	Kenney	Kinder	Maxwell
Mueller	Russell	Steelman--11	
Absent--Senator DePasco--1			
Absent with leave--Senator Bland--1			

The President declared the joint resolution passed.

On motion of Senator Schneider, title to the joint resolution was agreed to.

Senator Schneider moved that the vote by which the joint resolution passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

**SB 892**, introduced by Senator Quick, entitled:

An Act to repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Quick, **SB 892** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Rohrbach--1			
Absent--Senators--None			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Goode moved that the vote to lay on the table the motion to reconsider the vote by which **SCS** for **HCS** for **HB 1110**, as amended, passed be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Singleton	Staples--2		
Absent with leave--Senator Bland--1			

Having voted on the prevailing side, Senator Goode moved that the vote by which the title to **SCS** for **HCS** for **HB 1110**, as amended, was agreed to be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Singleton--2		
Absent with leave--Senator Bland--1			

Having voted on the prevailing side, Senator Goode moved that the vote by which **SCS** for **HCS** for **HB 1110**, as amended, was read the 3rd time and passed be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	



NAYS--Senators--None

Absent--Senators

Mathewson

Singleton--2

Absent with leave--Senator Bland--1

Having voted on the prevailing side, Senator Goode moved that the vote by which **SCS** for **HCS** for **HB 1110**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senators--None

**SCS** for **HCS** for **HB 1110**, as amended, was again taken up.

Senator Goode offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, Page 18, Section 10.565, Line 5, by deleting the number "\$177,862" and inserting in lieu thereof the number "\$145,189". Line 9 by deleting the number "\$1,608,925" and inserting in lieu thereof the number "\$1,576,252".

Further amend said bill, section 10.570, line 6 by deleting the number "\$23,237,224" and inserting in lieu thereof the number "\$22,974,976". Line 8, by deleting the number "\$24,341,905" and inserting in lieu thereof the number "\$24,079,657".

Further amend said bill, section 10.575, line 6 by deleting the number "\$10,803,983" and inserting in lieu thereof the number "\$10,659,835". Line 12, by deleting the number "\$13,584,460" and inserting in lieu thereof the number "\$13,440,312".

Further amend said bill, section 10.580, line 6, by deleting the number "\$22,601,046" and inserting in lieu thereof the number "\$22,337,001". Line 8, by deleting the number "\$24,190,563" and inserting in lieu thereof the number "\$23,926,518".

Further amend said bill, section 10.585, line 6, by deleting the number "\$10,542,465" and inserting in lieu thereof the number "\$10,437,708".

Further amend said bill, section 10.590, line 7, by deleting the number "\$18,396,133" and inserting in lieu thereof the number "\$18,182,847". Line 9, by deleting the number "\$18,889,117" and inserting in lieu thereof the number "\$18,675,831".

Further amend said bill section 10.595, line 6, by deleting the number "\$6,080,368" and inserting in lieu thereof the number "\$6,001,525". Line 8, by deleting the number "\$6,136,366" and inserting in lieu thereof the number

"\$6,057,523".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 1110**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1110**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Singleton--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### THIRD READING OF SENATE BILLS

**SB 772**, introduced by Senator Goode, entitled:

An Act to repeal section 144.062, RSMo Supp. 1999, relating to the procurement of services for state construction projects, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for certain sections.

Was called from the Informal Calendar and taken up.

Senator Goode moved that **SB 772** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Bland	Carter	DePasco	Flotron
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Scott	Staples	Stoll	Wiggins--16
NAYS--Senators			
Bentley	Caskey	Childers	Ehlmann
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims

Singleton	Steelman	Westfall	Yeckel--16
	Absent--Senators		
Clay	Schneider--2		
	Absent with leave--Senators--None		

**SS** for **SS No. 3** for **SJR 35**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 3 FOR  
SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator Goode, **SS** for **SS No. 3** for **SJR 35** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators

Caskey	Clay	Howard	Jacob
Russell	Scott--6		

Absent--Senators

Quick	Schneider	Staples--3
	Absent with leave--Senators--None	

The President declared the joint resolution passed.

On motion of Senator Goode, title to the joint resolution was agreed to.

Senator Goode moved that the vote by which the joint resolution passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 851**, introduced by Senators Wiggins and Stoll, entitled:

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 1994, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **SB 851** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Howard--1

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 885**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 885**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 885

An Act to repeal sections 103.130 and 103.136, RSMo 1994, and section 103.003, RSMo Supp. 1999, relating to health plan for state employees, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 885** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 885**, entitled:

#### SENATE SUBSTITUTE FOR

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 885

An Act to repeal sections 103.085 and 103.136, RSMo 1994, and section 103.003, RSMo Supp. 1999, relating to health plan for state employees, and to enact in lieu thereof four new sections relating to the same subject.

Senator Mathewson moved that **SS** for **SCS** for **SB 885** be adopted.

Senator Mathewson offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 885, Page 6, Section 103.136, Line 4 of said page, by inserting immediately after said line the following:

**"Section 1. Due to the differences between the appropriations process and the current contract methodology used by the board, the general assembly hereby recommends that the board, with respect to health care provider contracts, implement a plan year based upon a fiscal year beginning 1 October rather than the calendar year period currently employed by the board.";** and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 885, Page 4, Section 103.003, Line 13, by inserting after all of said line the following:

**"103.008. 1. The general administration and the responsibility for the proper operation of the plan is vested in a board of trustees of [eleven] ~~thirteen~~ persons, as follows: the director of the department of health, the director of the department of insurance, the commissioner of the state office of administration serving ex officio, one member of the senate ~~from the majority party~~ appointed by the president pro tem of the senate ~~and one member of the senate from the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate~~, one member of the house of representatives ~~from the majority party~~ appointed by the speaker of the house of representatives ~~and one member of the house of representatives from the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives~~, and six members appointed by the governor with the advice and consent of the senate. Of the six members appointed by the governor, three shall be citizens of the state of Missouri who are not members of the plan, but who are familiar with medical issues. The remaining three members shall be members of the plan and may be selected from any state agency or any participating member agency.**

**2. Except for the legislative members, the director of the department of health, the director of the department of insurance, and the commissioner of the office of administration, trustees shall be chosen for terms of four years from the first day of January next following their election or appointment. Any vacancies occurring in the office of trustee shall be filled in the same manner the office was filled previously.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS for SCS for SB 885**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS for SCS for SB 885**, as amended, was declared perfected and ordered printed.

#### THIRD READING OF SENATE BILLS

**SCS for SB 793** was placed on the Informal Calendar.

**SCS for SB 954**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 954

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to cultural tourism.

Was taken up by Senator Bentley.

On motion of Senator Bentley, **SCS** for **SB 954** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Mueller	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SCS** for **SBs 1027** and **815**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### SENATE BILLS NOS. 1027 and 815

An Act to repeal section 192.070, RSMo 1994, and sections 167.181 and 332.311, RSMo Supp. 1999, relating to dental care, and to enact in lieu thereof five new sections relating to the same subject, with a termination date.

Was taken up by Senator Sims.

On motion of Senator Sims, **SCS** for **SBs 1027** and **815** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Mueller

NAYS--Senators--None

Absent--Senators

Quick--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Jacob assumed the Chair.

SCS for **SB 793**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 793

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to motor vehicles.

Was called from the Informal Calendar and taken up by Senator Staples.

On motion of Senator Staples, **SCS for SB 793** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators		
Bland	Goode	Rohrbach--3	
	Absent--Senators		
Mueller	Singleton--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1109** and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1110**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 1111**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

### **PRIVILEGED MOTIONS**

Senator Goode requested unanimous consent of the Senate to make one motion sending **SCS for HCS for HB 1109** through **SCS for HCS for HB 1111**, as amended, to conference, which request was granted.

Senator Goode moved that the Senate refuse to recede from its position on **SCS for HCS for HB 1109**; **SCS for HCS for HB 1110**, as amended; and **SCS for HCS for HB 1111**, as amended, and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committees to act with like committees from the House on **HCS for HB 1109**, with **SCS**; **HCS for HB 1110**, with **SCS**, as amended; and **HCS for HB 1111**, with **SCS**, as amended: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HS for HCS for HB 1797**--Transportation.

**HCS for HB 1113**--Appropriations.

**HB 1121**--Appropriations.

**HCS for HB 1711**--Public Health and Welfare.

**HCS for HB 1967**--Pensions and General Laws.

**HB 1472**--Civil and Criminal Jurisprudence.

**HCS for HB 1698**--Pensions and General Laws.

**HB 1881**--Transportation.

**HS for HCS for HB 1762**--Agriculture, Conservation, Parks and Tourism.

**HB 1326**--Commerce and Environment.



## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith W. Baker, 3075 South Rangeline Road, Columbia, Boone County, Missouri 65201, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2003, and until her successor is duly appointed and qualified; vice, Katherine K. Wesselschmidt, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert E. Bell, Republican, 43 Villa Coublay Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donna S. Cowdrey, 6911 North Flora, Gladstone, Clay County, Missouri 64118, as a member of the State Board of Cosmetology, for a term ending October 13, 2001, and until her successor is duly appointed and qualified; vice, Christine Hancock, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roy Curtiss III, Ph.D., 6065 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Warren C. Davis, Jr., Democrat, 521 East 54th Street, Kansas City, Jackson County, Missouri 64110, as a member of the Hazardous Waste Management Commission of the State of Missouri, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Michael Chappelow, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth A. Harmon-Vaughan, 5701 North Lake Drive, Kansas City, Clay County, Missouri 64118, as a member of the Interior Design Council, for a term ending April 6, 2004, and until her successor is duly appointed and qualified; vice, Vickie R. Stewart, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pamela T. Hill, 1125 Camelot Hill, Liberty, Clay County, Missouri 64068, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacob I. Johnson, 954 Laurel, St. Louis City, Missouri 63112, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 10, 2004, and until his successor is duly appointed and qualified; vice, Marion Eisen, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lethrone Johnson, 12 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosemary A. Kaskowitz, 5244 Washington, St. Louis City, Missouri 63108, as a public member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David J. Lackey, 15801 South Clinkenbeard Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Board of Occupational Therapy, for a term ending January 23, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christina M. Norton, Democrat, 1212 Amesbury Avenue, Liberty, Clay County, Missouri 64068, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, W.A. "Bill" Markland, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas R. Sharpe, Ph.D., 101 West Brandon Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy R. Siwak, Republican, 323 Carlyle Lake Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2001, and until her successor is duly appointed and qualified; vice, Dorothy D. Danforth, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gordon V. Spilker, Democrat, 3301 Brookside, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, Keith Bodenhausen, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan B. Williamson, Democrat, 4903 South Coats Lane, Columbia, Boone County, Missouri 65203, as a member of the Hazardous Waste Management Commission of the State of Missouri, for a term ending April 3, 2004, and until her successor is duly appointed and qualified; vice, David Day, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra M. Moore, Democrat, 11505 Prendergast Lane, St. Louis, St. Louis County, Missouri 63138, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Loretta Walker, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Zoretta V. Schoonover, Democrat, 418 Lake Shore Drive, St. Clair, Franklin County, Missouri 63077, as a member of the Dam and Reservoir Safety Council, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, John Winter, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Neal A. Gibbons, 916 East Baker Drive, Kennett, Dunklin County, Missouri 63857, as a member of the Board of Trustees for the Petroleum



Storage Tank Insurance Fund, for a term ending February 6, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

H. Bruce Nethington, Republican, 1130 South Geyer Road, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Dan L. West, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne B. Schmidt, Republican, 4311 Alderwood, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2003, and until her successor is duly appointed and qualified; vice, H. Darrell Waisner, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John T. Wade, 2300 Oak Street, Higginsville, Lafayette County, Missouri 64037, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, Deborah Lilley, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kay G. Crockett, Democrat, 117 Hollyridge, Columbia, Boone County, Missouri 65203, as a member of the Board of Probation and Parole, for a term ending April 3, 2004, and until her successor is duly appointed and qualified; vice, Robert E. Newsom, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Fannie B. Gaw, Democrat, 1717 South Williams, Moberly, Randolph County, Missouri 65270, as a member of the Board of Probation and Parole, for a term ending April 3, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Renee A. Routledge-Kime, 5597 Jute Road, Seneca, Newton County, Missouri 64865, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until her successor is duly appointed and qualified; vice, Patrick Kelly, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1102**, as amended: Represen-tatives Franklin, Gaw, Lakin, Legan, Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1103**, as amended: Represen-tatives Franklin, Williams (121), Lakin, Legan, Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1104**: Representatives Franklin, Williams (121), Green, Legan, Gross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1105**, as amended: Representatives Franklin, Williams (121), Green, Legan, Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1106**, as amended: Representatives Franklin, Williams (121), Scheve, Legan, Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1107**, as amended: Representatives Franklin, Williams (121), Scheve, Legan, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1108**: Representatives Franklin, Williams (121), Lakin, Legan, Foster.

## **REFERRALS**

President Pro Tem Quick referred **HB 1443**, with **SCS**; **HS** for **HB 1615**, with **SCS**; **HS** for **HCS** for **HBs 1566** and **1810**, with **SCS**; and **HS** for **HCS** for **HB 1076**, with **SCS**, to the Committee on State Budget Control.

## **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 885**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, Dusty Grooms, Dexter; and Adam Person and Brandon Clark, Caruthersville; and Adam and Brandon were made honorary pages.

Senator DePasco introduced to the Senate, seventh grade students from Messiah Lutheran School, Independence; and Rachel Custer, Jessica Kratz, Adam Fowler and Tim Robbins were made honorary pages.

Senator Mueller introduced to the Senate, Michelle Tomlin, Megan Mottl, Lisa Hilpert, Diane Orf and fourth grade students from Tillman

Elementary School, Kirkwood; and Joe Fried, Annie Gerker, John Irving and Patrick McHugh were made honorary pages.

On behalf of Senator Steelman and himself, Senator Klarich introduced to the Senate, Rachel Hardecke, Owensville; and Rachel was made an honorary page.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTY-FIRST DAY--WEDNESDAY, APRIL 26, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Godliness is profitable unto all things, having promise of the life that now is and of that which is to come." (1 Timothy 4:8)

Heavenly Father, out of gratitude and love of You we seek to deal honestly with our fellow citizens, to live at peace with one another, and with Your Spirit's help to pass laws that make our fellow Missourians better off today than yesterday. May we live profitably in contentment, love, joy and daily fellowship with You and we have an assurance that our hearts are better off by how we live and work guided by Your wisdom. Lord help us thank You for all Your goodness to us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1628, regarding Jane Littrell, Kansas City, which was adopted.

Senator Westfall offered Senate Resolution No. 1629, regarding Randy Breshears, Fair Play, which was adopted.

Senator Westfall offered Senate Resolution No. 1630, regarding Anita Curry, Fair Play, which was adopted.

Senator Goode offered Senate Resolution No. 1631, regarding Dr. Yvonne S. Howze, St. Louis, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 38** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SCR 38** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Graves	Rohrbach--2		
Absent--Senators			
Carter	Staples--2		
Absent with leave--Senators--None			

Senator Bland moved that **SCR 34** be taken up for adoption, which motion prevailed.

Senator Bland moved that **SCR 34** be adopted.

Senator Johnson assumed the Chair.

Senator Kinder offered a substitute motion that the motion to adopt **SCR 34** be laid on the table.

Senator Clay was recognized to interrogate Senator Kinder.

Senator Singleton raised the point of order that under the provisions of Senate Rule 72 the motion made by Senator Kinder is a privileged motion and no debate is allowed.

The point of order was referred to the President Pro Tem, who took it under advisement.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1109**: Representatives Franklin, Kelly (27), Troupe, Legan, Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1110**, as amended: Representatives Franklin, Williams (121), Riback Wilson, Shields, Patek.

## SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 584**, **SB 539**, **SB 630**, **SB 777**, **SB 796**, **SB 918** and **SB 927**, with **SCS**, be taken up for

perfection, which motion prevailed.

SCS for SBs 584, 539, 630, 777, 796, 918 and 927, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 584, 539, 630, 777, 796, 918 and 927

An Act to repeal section 160.518, 162.790, 174.620 and 175.021, RSMo 1994, and sections 162.581, 162.601, 162.611, 163.172, 167.645, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to education, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Bentley moved that SCS for SBs 584, 539, 630, 777, 796, 918 and 927 be adopted.

Senator Bentley offered SS for SCS for SBs 584, 539, 630, 777, 796, 918 and 927, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 584, 539, 630, 777, 796, 918 and 927

An Act to repeal section 160.518, 162.790, 174.620 and 175.021, RSMo 1994, and sections 162.581, 162.601, 162.611, 167.645, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to education, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an emergency clause for a certain section.

Senator Bentley moved that SS for SCS for SBs 584, 539, 630, 777, 796, 918 and 927 be adopted.

Senator House offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 584, 539, 630, 777, 796, 918 and 927, Page 19, Section 162.952, Line 1, by inserting immediately after said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. **Except as otherwise provided in subsection 3 of this section,** any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

**3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as**



provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.

**(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.**

[3.] **4.** For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend said bill, page 36, Section B, line 2, by inserting immediately after said line the following:

"Section C. Because of the need to ensure continued financial solvency of certain school districts, section 163.036 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 163.036 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 584, 539, 630, 777, 796, 918 and 927, Page 19, Section 167.645, Line 1, by inserting before all of said line the following:

**"15. The provisions of section 165.011, RSMo, to the contrary notwithstanding, any district which is participating in the program established in subsections 6 to 13 of this section and fully in compliance with all requirements of subsections 6 to 13 of this section in the current year may transfer funds in the current year between teachers', incidental and capital projects funds without limitation."**

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 584, 539, 630, 777, 796, 918 and 927,

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section;

**(3) By the state board, pursuant to rules promulgated by the board, to any individual who presents to the state board a valid baccalaureate degree or master's degree in chemistry, biology, physics, mathematics, computer science or medicine from an accredited institution of higher education accredited by a national or regional accrediting association and documentation of at least five years of work experience. Such certificate shall be limited to subject areas which include the applicant's major and other significant areas of undergraduate or graduate study and work experience, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or**

[(3)] **(4)** By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee, shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon

minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 584, 539, 630, 777, 796, 918 and 927, Page 23, Section 167.645, Line 10, by inserting after all of said line the following:

**"168.700. 1. The department of elementary and secondary education shall, pursuant to this section, adopt a "National Teacher Certification Incentive Reward Program". This program shall encourage teachers to voluntarily apply for and achieve teacher certification by the National Board for Professional Teaching Standards, pursuant to this section. Teachers may apply for a bonus from the program pursuant to subsection 2 of this section and pursuant to other criteria promulgated by the department consistent with this section, on forms promulgated by the department for bonus applications.**

**2. The general assembly shall make an annual appropriation to the "National Teacher Certification Incentive Reward Program Fund", which is hereby created in the state treasury for the sole purpose of funding bonuses pursuant to this section. The fund shall consist of moneys appropriated annually by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund and any gifts, donations, bequests and other moneys received by the fund. The fund shall be kept separate and apart from all other moneys in the state treasury and shall be paid out by the state treasurer pursuant to chapter 33, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of the biennium shall not be transferred to the credit of the general revenue fund.**

**3. For any school year beginning after the achievement of the certification described in subsection 1 of this section, the department shall, pursuant to this section, pay a bonus to any teacher so certified. Any teacher seeking the bonus established pursuant to this subsection shall submit a copy of his or her national certification to the department. The bonus paid pursuant to this subsection may be paid in a lump sum at the beginning of**

the fiscal year to a school district in the amount necessary to cover all of the bonuses owed to teachers in the district, to be held by the district for a pro rata disbursement to be included in such teachers' paychecks; or such bonus may be paid to such teachers in whatever other manner that the department may by rule provide. The amount of the bonus shall be:

(1) Five thousand dollars for the first school year after the achievement of the certification described in subsection 1 of this section; and

(2) Two thousand five hundred dollars for every subsequent year for the life of the certificate.

4. The department of elementary and secondary education shall promulgate rules for the enforcement of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Ehlmann offered **SSA 1** for **SA 4**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 584, 539, 630, 777, 796, 918 and 927, Page 23, Section 167.645, Line 10, by inserting after all of said line the following:

**"168.333. 1. Any teacher with a valid certificate from the state board of education shall receive, upon application to the department of elementary and secondary education, reimbursement of all application costs for national Board for Professional Teaching Standards, and all costs for substitute teaching required for the teacher to obtain such certification, incurred by such teacher from funds appropriated for that purpose.**

**2. Any teacher with a valid certificate from the state board of education, employed by a school district and certified by the National Board for Professional Teaching Standards shall receive, upon application to the department of elementary and secondary education, a salary supplement in the amount of ten percent of such teacher's regular salary for the current school year, from funds appropriated for that purpose. Applications shall be made no later than April first and supplements shall be provided, subject to appropriations, no later than June thirtieth. If appropriations are insufficient to fully fund all supplements, all supplements shall be uniformly prorated until the total of supplements matches the available funding.";** and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above substitute amendment be adopted, which motion prevailed.

At the request of Senator Bentley, **SB 584, SB 539, SB 630, SB 777, SB 796, SB 918** and **SB 927**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

#### REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SB 885** to the Committee on State Budget Control.

#### REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 926**; **SCS** for **SBs 959** and **598**; **SCS** for **SBs 538** and **565**; and **HS** for **HCS** for **HB 1742**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

## CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, for many years St. Louis has been known as the Gateway to the West; and

WHEREAS, in a city more than two hundred years old, there is a new spirit of revitalization; and

WHEREAS, this spirit of renewal is evident from the Gateway Arch with its Museum of Westbound Expansion through Laclede's Landing, to Union Station, Soulard and the Central West End; and

WHEREAS, St. Louis, as with other large cities, has gone through a period of declining population, loss of industry and having to face the growth of many shopping centers outside the city's boundaries; and

WHEREAS, numerous plans have been offered to rejuvenate the City of St. Louis:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, establish the Joint Interim Committee on the Revitalization of the City of St. Louis. The members shall consist of five state senators appointed by the President Pro Tem of the Senate and five state representatives appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee may solicit input from governmental and business leaders of the City of St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall make an in-depth study and evaluation of the alternatives to revitalize the City of St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 1, 2001; and

BE IT FURTHER RESOLVED that the expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties.

## RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1632, regarding Kathy Jenkins, Rolla, which was adopted.

Senator Caskey offered Senate Resolution No. 1633, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Donald Shull, Raymore, which was adopted.

Senator Graves offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 1634

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose

of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Thirty-second Annual Missouri Jaycee Mock Legislature on November 3 and 5, 2000.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorsey Alan Baumgartner, 201 Peach Tree, Auxvasse, Callaway County, Missouri 65231, as a member of the State Mental Health Commission, for a term ending June 28, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Theodore J. Cicero, Ph.D., 16 Highgate Road, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Denise Troy Curry, M.D., 13360 Bragstadt, St. Louis, St. Louis County, Missouri 63141, as a member of the State Mental Health Commission, for a term ending June 28, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan L. Else, Democrat, 3305 Bryn Mawr, Independence, Jackson County, Missouri 64057, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, Mary A. Mosley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John S. Gaal, 211 Spring Oaks Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jean Galloway, 2406 Woodridge Court, St. Joseph, Buchanan County, Missouri 64506, as a member of the Board of Certification of Interpreters, for a term ending June 27, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR



State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Betty C. Hearnese, 3100 East Marshall, Charleston, Mississippi County, Missouri 63834, as a member of the State Mental Health Commission, for a term ending June 28, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheryl Johnson-Stamper, 48 Rolling Hills Drive, Blackjack, St. Louis County, Missouri 63033, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Patricia Reid, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David L. Ohlms, M.D., 14172 Crosstrails Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the State Mental Health Commission, for a term ending June 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pier C. Patterson, 7638 Rosedale Drive, St. Louis, St. Louis County, Missouri 63121, as a member of the Committee for Professional Counselors, for a term ending August 23, 2000, and until her successor is duly appointed and qualified; vice, Rosemarie Fischer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barbara H. Pickering, Republican, 715 East Love, Mexico, Audrain County, Missouri 65265, as a member of the State Lottery Commission, for a term ending September 7, 2002, and until her successor is duly appointed and qualified; vice, Tom Brown, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry V. Schepers, Republican, 1909 Woodclift, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Curators for Lincoln University, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, Robert J. Weber, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Reuben A. Shelton, Democrat, 5155 Westminster Place, St. Louis City, Missouri 63108, as a member of the Board of Curators for Lincoln University, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, Daniel Williams, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy Beer Tobin, 610 West 56th Street, Kansas City, Jackson County, Missouri 64113, as a public member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 620.641.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### **REPORTS OF STANDING COMMITTEES**

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SB 885**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **RESOLUTIONS**

Senator Quick offered Senate Resolution No. 1635, regarding Caleb Glen Muller, Kansas City, which was adopted.

Senator Bentley offered the following resolution, which was adopted:

#### **SENATE RESOLUTION NO. 1636**

WHEREAS, Ferba Higgs Lofton, principal at Eugene Field Elementary School in Springfield, Missouri, has been named the Missouri National Distinguished Principal for 2000-2001; and

WHEREAS, Ferba Lofton, a Springfield native, began her career as an elementary teacher in the Boston public schools in 1973 and served as District Coordinator of Curriculum and Competency and as Administrative Assistant to the Superintendent; and

WHEREAS, upon returning to Springfield in 1982, Ferba Lofton taught three years at Jeffries Elementary before being named the district's Chapter I Supervisor and Summer School Coordinator; and

WHEREAS, Ferba Lofton has been principal at Eugene Field for the past year and a half, prior to which she served as principal at Rountree and Harry S Truman elementary schools in Springfield; and

WHEREAS, a member of Delta Kappa Gamma, Ferba Lofton has supported the National Association of Elementary School Principals (NAESP) and the Missouri Association of Elementary School Principals (MAESP) since 1989, the latter of which she served two years as President of the Springfield District and as a Facilitator for the Beginning Teacher Conference; and

WHEREAS, Ferba Lofton has served on numerous boards, including the Springfield Community Foundation, the Forest Institute of Professional Psychology, KOZK Public Broadcasting, the Dogwood Trails Girl Scouts Council, the Boys Choir of Southwest Missouri, and the Court Appointed Special Advocate of Southwest Missouri; and

WHEREAS, an active member of the Gibson Chapel Presbyterian Church, Ferba Lofton has been blessed with the love and support of a wonderful family whose members include her husband, William Lofton; her children, Christina Lofton Schuler and Denise Lofton; and two grandchildren, Christopher and Christen Schuler:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join in extending our most hearty congratulations to Ferba Lofton for being named Missouri National Distinguished Principal for 2000-2001 and in wishing her continued success as she prepares children to be productive adults, one of the most important jobs in America; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Ferba Lofton, as a measure of our esteem for her.

Senator Yeckel offered Senate Resolution No. 1637, regarding Joyce Sharon Milla, Crestwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1638, regarding Mary Jane Schnitker, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1639, regarding Aloysius G. Bourisaw, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 1640, regarding Dr. Joyce A. Phillips, St. Louis, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1112**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS** for **HCS** for **HB 1112**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR**

**HOUSE COMMITTEE SUBSTITUTE FOR**

### **HOUSE BILL NO. 1112**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General

Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1112** be adopted.

Senator Goode offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 5, Section 12.090, Line 7, by deleting the number "1,293,550" and inserting in lieu thereof the number "1,301,750"; and

Further amend said section, line 10, by deleting the number "7,009,108" and inserting in lieu thereof the number "7,017,308" and further amend said section, line 30 by deleting the number "8,939,925" and inserting in lieu thereof the number "8,948,125".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 18, Section 12.400, Line 12, by striking the figure "226,100" as it appears on said line, and inserting in lieu thereof the figure "100,615"; and further amend said bill, page 19, section 12.405, line 12, by striking the figure "1,083,950" as it appears on said line, and inserting in lieu thereof the figure "482,358".

Senator Caskey moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1

#### FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 2, Section 12.005, Line 6, by striking the following: "Annual salary adjustment in accordance with" and inserting in lieu thereof the following: "The General Assembly may appropriate general cost-of-living increases for all state employees including employees whose salaries are governed by the provisions of Article XIII, Section 3 of the Constitution. The general cost-of-living increase authorized for state employees is \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, and that amount is appropriated to the Governor pursuant to Article XIII, Section 3 and"; and

Further amend said bill, Page 3, Section 12.040, Line 6, by striking the following: "Annual salary adjustment in accordance with" and inserting in lieu thereof the following: "The General Assembly may appropriate general cost-of-living increases for all state employees including employees whose salaries are governed by the provisions of Article XIII, Section 3 of the Constitution. The general cost-of-living increase authorized for state employees is \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, and that amount is appropriated to the Lieutenant Governor pursuant to Article XIII, Section 3 and"; and

Further amend said bill, Page 3, Section 12.045, Line 5, by striking the following: "Annual salary adjustment in accordance with" and inserting in lieu thereof the following: "The General Assembly may appropriate general cost-of-

living increases for all state employees including employees whose salaries are governed by the provisions of Article XIII, Section 3 of the Constitution. The general cost-of-living increase authorized for state employees is \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, and that amount is appropriated to the Secretary of State pursuant to Article XIII, Section 3 and"; and

Further amend said bill, Page 5, Section 12.090, Line 5, by striking the following: "Annual salary adjustment in accordance with" and inserting in lieu thereof the following: "The General Assembly may appropriate general cost-of-living increases for all state employees including employees whose salaries are governed by the provisions of Article XIII, Section 3 of the Constitution. The general cost-of-living increase authorized for state employees is \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, and that amount is appropriated to the State Auditor pursuant to Article XIII, Section 3 and"; and

Further amend said bill, Page 6, Section 12.100, Line 5, by striking the following: "Annual salary adjustment in accordance with" and inserting in lieu thereof the following: "The General Assembly may appropriate general cost-of-living increases for all state employees including employees whose salaries are governed by the provisions of Article XIII, Section 3 of the Constitution. The general cost-of-living increase authorized for state employees is \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, and that amount is appropriated to the State Treasurer pursuant to Article XIII, Section 3 and"; and

Further amend said bill, Page 8, Section 12.140, Line 5, by striking the following: "Annual salary adjustment in accordance with" and inserting in lieu thereof the following: "The General Assembly may appropriate general cost-of-living increases for all state employees including employees whose salaries are governed by the provisions of Article XIII, Section 3 of the Constitution. The general cost-of-living increase authorized for state employees is \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, and that amount is appropriated to the Attorney General pursuant to Article XIII, Section 3 and"; and

Further amend said bill, Page 12, Section 12.200, Line 3, by inserting after "Constitution" the following: ", including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001"; and

Further amend said bill, Page 14, Section 12.235, Line 4, by inserting after "Constitution" the following: ", including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001"; and

Further amend said bill, Page 14, Section 12.235, Line 4, by inserting after "Constitution" the following: ", including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001"; and

Further amend said bill, Page 15, Section 12.240, Line 4, by inserting after "Constitution" the following: ", including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001"; and

Further amend said bill, Page 15, Section 12.245, Line 3, by inserting after "Constitution" the following: ", including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001"; and

Further amend said bill, page and section, Line 11, by inserting after "Constitution" the following: ", including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001".

Senator Schneider moved that the above substitute amendment be adopted.

Senator Caskey raised the point of order that **SSA 1** for **SA 2** is out of order as it goes beyond the scope of the underlying amendment and is therefore not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Schneider, **SSA 1** for **SA 2** was withdrawn.

**SA 2** was again taken up.

Senator Jacob offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 12, Section 12.200, Line 4, by deleting lines 4 through 9 and inserting in lieu thereof the following new lines:

"To be paid in equal monthly amounts which may be paid in bi-monthly amounts through June 30, 2001 and \$2,500 in additional compensation for the Chief Justice in accordance with

Section 477.130, RSMo \$884,500"

and further amend said section, line 13 by deleting the number "4,420,548" and inserting in lieu thereof the number "4,440,078" and further amend said section, line 16 by deleting the number "4,500,548" and inserting in lieu thereof the number "4,520,078"

and further amend said bill, page 14, Section 12.230 by deleting lines 4-8, and inserting in lieu thereof the following new lines "Missouri Constitution to be paid in equal monthly amounts which may be paid in bi-monthly amounts through June 30, 2001

Personal Service \$1,298,000

and further amend said section, line 12, by deleting the number "3,459,790" and inserting in lieu thereof the number "3,492,240"

and further amend said bill, page 14, Section 12.235 by deleting lines 4 through 7 and inserting in lieu thereof the following new lines

"Constitution to be paid in equal monthly amounts which may be paid in bi-monthly amounts through June 30, 2001.

Personal Service \$1,652,000"

and further amend said section, line 11, by deleting the number "4,526,099" and inserting in lieu thereof the number "4,567,399"

and further amend said bill, page 15, Section 12.240 by deleting lines 4 through 7 and inserting in lieu thereof the following new lines "Constitution to be paid in equal monthly amounts which may be paid in bi-monthly amounts through June 30, 2001.

Personal Service \$826,000"

and further amend said section line 11, by deleting the number "2,407,073" and inserting in lieu thereof the number "2,427,723"

and further amend said bill, page 15, Section 12.245 by deleting lines 3 through 8 and inserting in lieu thereof the following new lines

"Pursuant to Article XIII, Section 3 of the Missouri Constitution and the judicial branch equivalents to be paid in equal



monthly amounts which may be paid in bi-monthly amounts through June 30, 2001.

Personal Service \$15,318,000"

and further amend said section, by deleting the lines 11 through 15 and inserting in lieu thereof, the following new lines

"Constitution and the judicial branch equivalents to be paid in equal monthly amounts which may be paid in bi-monthly amounts through June 30, 2001.

Personal Service \$20,889,000"

and further amend said section, line 20, by deleting the number "109,810,063" and inserting in lieu thereof the number "110,939,113" and further amend said section, line 26 by deleting the number "111,102,953" and inserting in lieu thereof the number "112,232,003"

and further amend said bill, page 18, Section 12.400, line 10, be deleting the number "41,347" and inserting in lieu thereof the number "48,305" and further amend said section, line 19 by deleting the number "12,429,311" and inserting in lieu thereof the number "12,476,269" and further amend said section, line 22, by deleting the number "12,469,311" and inserting in lieu thereof the number "12,516,269"

and further amend said bill, page 18, Section 12.405, line 10, by deleting the number "198,221" and inserting in lieu thereof the number "231,578" and further amend said section, line 20, by deleting the number "21,005,819" and inserting in lieu thereof the number "21,039,176" and further amend said section, line 23, by deleting the number "21,080,819" and inserting in lieu thereof the number "21,114,176"

Senator Jacob moved that the above substitute amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Carter	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent--Senators			
Bentley	Bland	DePasco--3	
Absent with leave--Senators--None			

**SSA 2** for **SA 2** was again taken up.

Senator Staples requested a roll call vote be taken on the adoption of **SSA 2** for **SA 2** and was joined in his request by Senators Caskey, DePasco, Mueller and Sims.

A quorum was established by the following vote:

Present--Senators			
Bland	Carter	Caskey	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	Absent--Senators		
Bentley	Childers	Ehlmann	Singleton--4
	Absent with leave--Senators--None		

**SSA 2** for **SA 2** was again taken up.

A quorum was established by the following vote:

	Present--Senators		
Carter	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	Absent--Senators		
Bentley	Bland	Graves	Johnson
Maxwell	Singleton--6		
	Absent with leave--Senators--None		

Photographers from the Senate and NBC-8 were given permission to take pictures in the Senate Chamber today.

Senator Johnson assumed the Chair.

**SSA 2** for **SA 2** was again taken up.

Senator Schneider offered **SA 1** to **SSA 2** for **SA 2**:

#### SENATE AMENDMENT NO. 1 TO

#### SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 1, Section 12.200, Lines 3-17, by deleting all of said lines and inserting in lieu thereof the following:

"Section 12.200. To the Supreme Court

For the purpose of funding the salaries of the Judges of the Supreme Court pursuant to Article XIII, Section 3 of the Missouri Constitution, including a general cost-of-living increase of \$600 plus two percent beginning in July, 2000, and an additional increase of \$420 beginning in January, 2001, to be paid in 6 monthly payments of \$10,250 each through December 31, 2000 and 6 monthly payments of \$10,285 each which may be paid in bi-monthly amounts

through June 30, 2001 and \$2,500 in additional compensation for the Chief Justice in accordance with Section 477.130, RSMo, shall be added evenly to the periodic payments.....\$864,970".

Senator Schneider moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 1 to SSA 2 for SA 2 is out of order in that if the amendment is adopted the language will be the same as presented in the bill.

Senator Goode raised the point of order that SSA 2 for SA 2 is out of order as it is not a true substitute amendment for SA 2 as both amend-ments could stand alone.

The points of order were referred to the President Pro Tem, who ruled the point of order raised by Senator Jacob well taken and the point of order raised by Senator Goode not well taken.

SSA 2 for SA 2 was again taken up.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Schneider offered SA 2 to SSA 2 for SA 2, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 1, Section 12.200, Line 6, by inserting the words: "in accordance with the general cost of living increase authorized by Article XIII, Section 3, Subsection 8"; and by striking the figure "\$884,500" and substitute "864,970".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Sims, Singleton and Wiggins.

Senator Stoll assumed the Chair.

SA 2 to SSA 2 for SA 2 failed of adoption by the following vote:

YEAS--Senators			
Carter	Childers	Ehlmann	Flotron
Goode	Kinder	Mueller	Rohrbach
Schneider	Sims	Singleton	Westfall
Wiggins--13			
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Quick	Russell	Scott	Staples
Steelman	Stoll	Yeckel--19	
Absent--Senators			

Bentley Maxwell--2  
Absent with leave--Senators--None

**SSA 2** for **SA 2** was again taken up.

Senator Jacob moved that the above substitute amendment be adopted, which motion failed by the following vote:

	YEAS--Senators		
Bland	Caskey	Clay	DePasco
House	Howard	Jacob	Johnson
Quick	Scott	Staples	Stoll--12
	NAYS--Senators		
Bentley	Carter	Childers	Ehlmann
Flotron	Goode	Graves	Kenney
Kinder	Klarich	Mathewson	Mueller
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Westfall	Wiggins
Yeckel--21			
	Absent--Senator Maxwell--1		
	Absent with leave--Senators--None		

**SA 2** was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 13, Section 12.220, Lines 4-6, by deleting said lines and inserting in lieu thereof the following new lines:

"Personal Service               \$2,425,370  
Expense and Equipment       4,631,061  
From General Revenue Fund \$7,056,431"

and further amend said section, line 13, by deleting the number "111.25" and inserting in lieu thereof the number "96", and further amend said line by deleting the number "19,064,653" and inserting in lieu thereof the number "11,744,145".

Senator Sims moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode moved that **SCS** for **HCS** for **HB 1112**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1112**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder

Mathewson  
Schneider  
Staples  
Yeckel--29

Mueller  
Scott  
Stoll

Rohrbach  
Sims  
Westfall

Russell  
Singleton  
Wiggins

Kenney

NAYS--Senators

Klarich

Steelman--3

Absent--Senators

Maxwell

Quick--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1111**, as amended: Represen-tatives Franklin, Troupe, Kelly (27), Shields, Kelley (47).

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

#### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Muriel Ann Brison, Democrat, 5945 Old Zero Road, Berger, Gasconade County, Missouri 63014, as a public member of the Public Defender Commission, for a term ending December 31, 2003, and until her successor is duly appointed and qualified; vice, Edward B. Rucker, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael L. Craighead, M.D., Republican, 1100 Highland Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2002, and until his successor is duly appointed and qualified; vice, Michael Joseph, M.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George A. Pipes, D.O., Democrat, 30349 Keyboard Road, LaPlata, Macon County, Missouri 63549, as a member of the State Board of Registration for the Healing Arts, for a term ending August 13, 2000, and until his successor is duly appointed and qualified; vice, William Yates, M.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry E. Pratt, 1305 Colony Drive, Kearney, Clay County, Missouri 64060, as a member of the Fire Education Trust Fund Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, RSMo. 320.094.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine K. Wesselschmidt, 9566 Banyon Tree Court, St. Louis, St. Louis County, Missouri 63126, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Susan McHugh, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

## **RESOLUTIONS**

Senator Staples offered Senate Resolution No. 1641, regarding Corrections Officer II Michael White, Doe Run, which was adopted.

Senator Staples offered Senate Resolution No. 1642, regarding Corrections Officer I Charles Jones, Arcadia, which was adopted.

Senator Howard offered Senate Resolution No. 1643, regarding Deputy Dawsey Ross, New Madrid County, which was adopted.

Senator Russell offered Senate Resolution No. 1644, regarding Erwin Morriss, Waynesville, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Caskey introduced to the Senate, Pastor Jeff Young, Helena and Matt Young, Homeschoolers from Harrisonville; and Helena and Matt were made honorary pages.

Senator Carter introduced to the Senate, Ida Goodwin Woolfolk, Irene Graham, Agnes Hughes and Irene Chandley, St.

Louis.

Senator House introduced to the Senate, the Missouri Federation of Women's Democratic Clubs.

Senator Yeckel introduced to the Senate, representatives from the National Association of Women Business Owners: Tessa Greenspan, Connie Fisher, Marielen Parrish, Maggie Michael, Ann Ross, Paula Young, Bette Welch, Janet Poppen, Vivian Waters, Christine Bierman, Sharon Piles, Linda Jacobsen and Virginia Kirkpatrick, St. Louis.

Senator Westfall introduced to the Senate, his wife, Sharon and the High School Choir from Halfway.

Senator Bentley introduced to the Senate, Dr. Roger Huckfeldt, Springfield.

On behalf of himself and Senator Klarich, Senator Stoll introduced to the Senate, eighty-seven fourth grade students and forty parents from Antonia School, Jefferson County.

Senator Wiggins introduced to the Senate, representatives from the National Association of Women Business Owners: Dixie Roberts Junk, Donna Porter, Patricia Hughes, P.J. Hord, Nancy Zurbachen, Jan Durrett, Trudy Beard, Sue McCord Belzer and Elaine Hamilton, Kansas City.

Senator Goode introduced to the Senate, former Lieutenant Governor Harriett Woods, St. Louis County.

Senator Bentley introduced to the Senate, Jim Weissle and eighth grade students from Immaculate Conception School, Springfield.

Senator DePasco introduced to the Senate, Cheryl Bisbee, Kansas City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

Senator Kenney introduced to the Senate, George Parker, Jeannine Stuart, Mavis Busick, Paul Nahon and Rosemary Klok.

Senator Mueller introduced to the Senate, Jerry Davis, Webster Groves.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, Jim and Penny Bennett, Richard Vieth, Carl Phillips, Mary Griffen, Jeff Morrison and Mark Torrisi, St. Charles.

Senator Caskey introduced to the Senate, Mike McMillan, fifty students and five adults from East Lynne School, East Lynne.

Senator Caskey introduced to the Senate, Dr. Ellie Patton, Warrensburg.

Senator Schneider introduced to the Senate, twenty-seven students from Moline Elementary School, St. Louis; and Jamessia Harrold, Tiara Hudson, Asia Myles and Brooke Jones were made honorary pages.

Senator Clay introduced to the Senate, Dr. Donald Glenn and one hundred two students from St. Louis Career Academy, St. Louis.

Senator Bentley introduced to the Senate, Ferba Lofton, Patricia Duncan, Ted Higgs and Mona and Gordon McCann, Springfield.

Senator Singleton introduced to the Senate, Nina Eds and members of Neosho Leadership 2000.

Senator Singleton introduced to the Senate, Tracey Osburn and members of Joplin Leadership 2000.



On behalf of Senator Clay, the President introduced to the Senate, Betty Jacobson, Houston, Texas; and Lil Miller, Jefferson City.

Senator Klarich introduced to the Senate, Elizabeth, Robin and Jacob Close and Lynn and Abram Messer, De Soto.

On behalf of Senators Clay and Scott, the President introduced to the Senate, Alderman Jim Saunderman and Alderman Dan Kern, St. Louis.

Senator Kinder introduced to the Senate, students from St. Paul Lutheran School, Jackson.

Senator Rohrbach introduced to the Senate, Carolyn Adams and fourth grade students from Pilot Grove Public School, Pilot Grove.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTY-SECOND DAY--THURSDAY, APRIL 27, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Comfort ye, comfort ye My people, saith your God." (Isaiah 40:1)

Caring Lord and God, we hear Your words of care and need what You want to give, comfort to us as we deal with the growing tension of things undone, of hard work that will not be completed, of lonely hours that at times seem wasted and cannot be recalled. As we prepare to go home let us do so with the solace which only You our God can give. May we join those we love, who can be the instruments of Your comforting hand bringing us peace and joy, and help us hear Your word and celebrate the gift of love and life together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

## RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 1645, regarding the dedication of the Missouri Exercise Tiger Army and Navy Anchor Memorial, Mexico, which was adopted.

Senator Sims offered Senate Resolution No. 1646, regarding Grant Hammack, Town and Country, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

## SENATE RESOLUTION NO. 1647

WHEREAS, a period of six wondrous decades has passed since Jess E. White lovingly took the hand of his beautiful bride, Norma E. Miller, during a solemn ceremony officiated by Monsignor John P. McKenna and attended by Pearl McGowan, Eileen Henry, and Bob Henry, on May 4, 1940, at the St. Peter's Catholic Cathedral in Kansas City; and

WHEREAS, residents of the Capital City since 1992, Jess and Norma White will commemorate the resplendent occasion of their Sixtieth Wedding Anniversary with a special celebration on May 4, 2000, at which time they will have the opportunity to reminisce about flying to St. Louis for their honeymoon aboard a plane piloted by the groom; and

WHEREAS, retired Lieutenant Colonel Jess White has compiled an impressive record of achievement that includes serving as a pilot and flight instructor in the Royal Canadian Air Force prior to being summoned by the United States during World War II; and

WHEREAS, during their twenty years of military life, Lieutenant Colonel and Mrs. White were assigned to Air Force bases in more than seven states and Germany, while Jess was also stationed briefly in Japan during the occupation; and

WHEREAS, before moving to Missouri, Jess White was active in the Lions Club, the Eagles Club, the Elks Club, and the OX-5 Club, which he served as President, in San Antonio, Texas; while Norma found fulfillment through her affiliation with the ladies auxiliaries to those organizations; and

WHEREAS, to the union of this blissful marriage three children were born: one son, Jess E. White, II, who passed away in 1959, and two daughters, Linda E. Williams of Jefferson City and Dani E. White of Houston, Texas:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in extending our most hearty congratulations to Jess and Norma White and in wishing them only the best as they continue their journey walking hand-in-hand along life's path; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Lieutenant Colonel (Ret. USAF) and Mrs. Jess E. White, as a measure of our esteem for them.

## HOUSE BILLS ON THIRD READING

**HB 1604**, with **SCS**, introduced by Represen-tative Graham (106), entitled:

An Act to amend chapter 226, RSMo, relating to the highways and transportation commission by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

**SCS** for **HB 1604**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 1604

An Act relating to the conveyance and easement of certain state property, with an emergency clause for certain sections.

Was taken up.

Senator Johnson moved that **SCS** for **HB 1604** be adopted, which motion prevailed.

Senator Johnson was recognized to close.

President Pro Tem Quick referred **SCS** for **HB 1604** to the Committee on State Budget Control.

**HB 1185**, with **SCS**, introduced by Represen-tatives Gratz and Vogel, entitled:

An Act to authorize the governor to convey certain property to the City of Jefferson.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

**SCS** for **HB 1185**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1185

An Act to authorize the conveyance of certain state property to the City of Jefferson and the Optimist Club Foundation of Mexico Missouri, Inc.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 1185** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 1185** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Staples--1			
Absent--Senators			
Bland	Schneider--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1186**, introduced by Representatives Gratz and Vogel, entitled:

An Act to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **HB 1186** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Staples--1			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1376**, introduced by Representative Farnen, entitled:

An Act to repeal section 21.183, RSMo 1994, relating to inspection of state institutions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 1376** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Staples--1			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### THIRD READING OF SENATE BILLS

**SS** for **SCS** for **SB 926**, introduced by Senator Stoll, entitled:

SENATE SUBSTITUTE FOR

# SENATE COMMITTEE SUBSTITUTE FOR

## SENATE BILL NO. 926

An Act to repeal sections 163.011, 163.031 and 163.036, RSMo Supp. 1999, relating to state school aid to school districts, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Wiggins assumed the Chair.

On motion of Senator Stoll, **SS** for **SCS** for **SB 926** was read the 3rd time and passed by the following vote:

### YEAS--Senators

Bentley	Bland	Childers	Ehlmann
Flotron	House	Howard	Johnson
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Scott	Sims
Staples	Stoll	Wiggins	Yeckel--20

### NAYS--Senators

Carter	Caskey	Clay	DePasco
Goode	Graves	Jacob	Kenney
Rohrbach	Russell	Singleton	Steelman
Westfall--13			

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

### YEAS--Senators

Bentley	Bland	Childers	Clay
Ehlmann	Flotron	House	Howard
Johnson	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Scott
Sims	Staples	Stoll	Wiggins
Yeckel--21			

### NAYS--Senators

Carter	Caskey	DePasco	Goode
Graves	Jacob	Kenney	Rohrbach
Russell	Schneider	Singleton	Steelman
Westfall--13			

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SCS for SBs 959 and 598, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 959 and 598

An Act to repeal sections 197.405, 197.410, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470, 197.477, 660.250, 660.260 and 660.300, RSMo 1994, and sections 197.400, 197.415 and 197.445, RSMo Supp. 1999, relating to in-home care for the elderly, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Howard.

On motion of Senator Howard, SCS for SBs 959 and 598 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SCS for SBs 538 and 565, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 538 and 565

An Act to repeal sections 32.055, 32.090 and 32.091, RSMo Supp. 1999 and section 32.080 as enacted by house bill no. 795, first regular session, 90th General Assembly and section 32.080 as enacted by senate bill no. 19, first regular session, 90th General Assembly, relating to motor vehicle records and electronic dissemination, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Russell.

On motion of Senator Russell, SCS for SBs 538 and 565 was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 885**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 885

An Act to repeal sections 103.085 and 103.136, RSMo 1994, and sections 103.003 and 103.008, RSMo Supp. 1999, relating to health plan for state employees, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Stoll assumed the Chair.

On motion of Senator Mathewson, **SS** for **SCS** for **SB 885** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		



Absent--Senator Quick--1  
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HS** for **HCS** for **HJR 61**, with **SCS**, was placed on the Informal Calendar.

**HS** for **HCS** for **HB 1742**, with **SCS**, entitled:

An Act to repeal sections 142.345, 226.133 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, relating to bonding for transportation, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up by Senator Mathewson.

**SCS** for **HS** for **HCS** for **HB 1742**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1742

An Act to repeal sections 226.133 and 226.134, RSMo 1994, relating to bonding for transportation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 1742** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.134, Line 3, by inserting immediately after the word "with" the following: "**, but not limited to,**".

Senator Scott moved that the above amendment be adopted.

Senator Childers offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee

Substitute for House Bill No. 1742, Page 1, Line 3, by deleting the words "**but not**" on said line and insert in lieu thereof the word "**and**".

Senator Childers moved that the above amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SA 1** to **SA 1** and was joined in his request by Senators Childers, Klarich, Mathewson and Rohrbach.

**SA 1** to **SA 1** was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	DePasco	Ehlmann
Graves	Howard	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Singleton	Staples
Steelman	Westfall	Wiggins-- 19	
NAYS--Senators			
Carter	Caskey	Clay	Flotron
Goode	House	Jacob	Johnson
Klarich	Schneider	Scott	Sims
Stoll	Yeckel-- 14		
Absent--Senator Bland-- 1			
Absent with leave--Senators--None			

**SA 1**, as amended, was again taken up.

At the request of Senator Scott, the above amendment was withdrawn.

Senator Clay offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.134, Line 4, by inserting after all of said line the following:

**"226.781. The portion of interstate highway 55, one mile south of Lindbergh Boulevard to Butler Hill Road, contained within a county of the first classification with a charter form of government having a population over nine hundred thousand, shall be designated the "Rosa Parks Highway"."; and**

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 2** is out of order as it goes beyond the scope of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 1.1, Line 7, by adding at the end thereof, the following:

"The provisions of this section shall not apply to projects or contracts approved or ordered by an administrative law judge for the state of Missouri."

Senator Klarich moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SCS** for **HS** for **HCS** for **HB 1742** is out of order as it goes beyond the scope of the original legislation.

At the request of Senator Kenney, the point of order was withdrawn.

**SA 3** was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 1, Line 9, by deleting the following on said line: "and approve"; and

Further amend said bill, line 11, by deleting the following "does not approve" and replace in lieu thereof, the following: "makes revisions".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Clay offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.134, Line 4, by inserting after all of said line the following:

**"226.781. The portion of interstate highway 55, one mile south of Lindbergh Boulevard to Butler Hill Road, contained within a county of the first classification with a charter form of government having a population over nine hundred thousand which may be eligible to receive moneys from bonds issued under this Act, shall be designated the "Rosa Parks Highway"."; and**

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 1742**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1120**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1122**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 549**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund, with an emergency clause.

With House Amendments Nos. 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.014, Line 8, by inserting after said line the following:

**"7. The patent and intellectual property provisions of the federal Bayh-Dole Act, codified in 35 U.S.C. Sections 200 et. Al., are fully incorporated herein by reference with the state of Missouri taking the place of the terms "federal government" or "federal agency"."**

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.014, Line 8, by inserting after said line the following:

**"7. Notwithstanding any other provisions of law to the contrary, nothing in this section shall prohibit the general assembly from authorizing the sale of the state's future interest in the proceeds of any tobacco award or settlement for present valuation."**

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting after said line the following:

**"7. One percent of the tobacco settlement trust fund shall be appropriated to the Department of Agriculture for direct distribution to farmers hurt by the tobacco settlement, who are quota holders, tenant farmers and**

**tobacco growers. An additional two and one-half percent of the tobacco settlement moneys shall be deposited in the new generation cooperative incentive program."**

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8 of Page 3, by inserting at the end of said line the following:

**"Abortion as used in this section shall not include an abortion necessary to save the life of the mother."**

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting immediately after House Amendment No. 6, the following:

**"8. Since tobacco use is known to increase the risk of developmental disabilities, the state treasurer shall monthly transfer from the tobacco settlement trust fund to the Missouri Department of Mental Health an amount equal to fifteen percent of the tobacco settlement trust fund. Monies transferred to the Department of Mental Health pursuant to this paragraph shall be appropriated solely for the purpose of assisting Missouri residents who have developmental disabilities."**

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting after said line the following:

**"7. The state treasurer shall transfer annually from the tobacco settlement trust fund to the "Cancer Treatment Trust Fund" an amount equal to five percent of the tobacco settlement trust fund. Moneys in the "Cancer Treatment Trust Fund" shall be appropriated solely for the use of treating cancer and cancer research at the Ellis Fischel State Cancer Hospital."**

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting after said line the following:

**"7. Of any allocation of the tobacco settlement trust fund for tobacco cessation and prevention programs, 75% shall be allocated to the population which is most affected by tobacco related diseases."**

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 2, Section 196.1014, Line 9, by deleting the words "voted on" and substituting therefor the word "adopted".

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Section 196.1014, Page 3, Line 8, by inserting after said line the following:

**"7. No moneys in the tobacco settlement fund shall be directly or indirectly appropriated to any company that consistently engages in a pattern of price discrimination to subsidize foreign competitors of Missouri farmers."**

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting after said line the following:

**"7. 1 ½ % of the tobacco settlement fund shall be appropriated to the Department of Aging for programs that provide services for senior citizens."**

#### HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting after said line the following:

**"7. Fifteen percent of the tobacco settlement monies shall be appropriated to the City of St. Louis for roads, bridges and highways."**

#### HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 549, Page 3, Section 196.1014, Line 8, by inserting immediately after said line the following:

**"Since tobacco use is known to discolor teeth in children who use, or have used in the past, tobacco products the state treasurer shall monthly transfer from the tobacco settlement fund to the Missouri Department of Health an amount equal to ten percent of any interest remaining in the fund. Monies transferred to the Health Department shall be used to remove the tarter stains of all Missouri's children and any other dental problems created by the use of tobacco products."**

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1112**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

#### PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1112**, as amended, and grant the House a conference thereon, which motion prevailed.

#### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

##### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carolyn V. Atkins, 3029 Hogan Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board,

for a term ending April 27, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Betsy A. Baird, 3325 North Euclid, Kansas City, Jackson County, Missouri 64116, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy J. Fete, M.D., 35 South Elm Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Child Abuse and Neglect

Review Board, for a term ending April 27, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Willard H. "Bill" Halmich, Democrat, 905 West Ninth Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda W. Hancik, 75 West Calvin, Hartsburg, Boone County, Missouri 65039, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,



MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Philip B. Sayer, Democrat, Route 2, Box 78, Galt, Grundy County, Missouri 64641, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barbara B. Smith, 108 Ellen, Post Office Box 1156, Sikeston, Scott County, Missouri 63801, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

## **REFERRALS**

President Pro Tem Quick referred **SCR 41** to the Committee on Rules, Joint Rules and Resolutions.

## **REPORTS OF STANDING COMMITTEES**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Deborah J. Swanegan, Amy L. Hilgemann, Ida Goodwin Woolfolk and Gwendolyn R. Swearingin, as members of the Missouri Community Service Commission;

Also,

Donna S. Cowdrey, as a member of the State Board of Cosmetology;

Also,

Pamela T. Hill, as a member of the Missouri Seed Capital Investment Board;

Also,

Elizabeth A. Harmon-Vaughan, as a member of the Interior Design Council;

Also,

Larry L. Hendren, as a member of the Missouri Board of Geologist Registration;

Also,

Cheri J. Leigh, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Nanci Anton Bobrow and Kaye H. Steinmetz, as members of the Children's Trust Fund Board;

Also,

Miguel P. Madrigal, Jr., and Susan Lee Pentlin, as members of the Missouri Commission on Human Rights;

Also,

Kristin M. Perry, as a member of the Clean Water Commission of the State of Missouri;

Also,

Rebecca L. Culler, Virginia D. Evans, Lynne E. Dresner, Carol J. Pastoret and William C. Prince, as members of the Child Abuse and Neglect Review Board;

Also,

Charles C. McGinty and Stephen P. Carlton, as members of the Board of Regents for Missouri Southern State College;

Also,

O. Elaine West and Catherine B. Leapheart, as members of the Missouri Training and Employment Council;

Also,

Ann L. Dickinson, as a member of the Missouri Higher Education Loan Authority;

Also,

Roger E. Huckfeldt, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Jerry W. Griffin, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Peggy D. Loman, Laura A. Estabrooks and Carol Ann Freeman, as members of the Committee for 911 Service Oversight;

Also,

Leland O. Burch, as a member of the State Soil and Water Districts Commission;

Also,

William J. Hurley, as a member of the Missouri Western State College Board of Regents;

Also,

Andre' L. May, as a student representative to the Harris-Stowe State College Board of Regents;

Also,

Bruce E. Davis, as a member of the State Tax Commission;

Also,

Fannie B. Gaw, as a member of the State Board of Probation and Parole;

Also,

Roger L. Pryor, as a member of the St. Charles County Commission and Sports Facilities Authority;

Also,

Donald E. Clark, as a member of the State Board of Podiatric Medicine;

Also,

Randall D. Huss, as a member of the Drug Utilization Review Board.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 1112**, with **SCS**, as amended: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

### HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HS** for **HCS** for **HB 1742**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HS** for **HCS** for **HB 1742**, as amended, was again taken up.

Senator Bentley offered **SA 6**, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.134, Line 4, by inserting after all of said line the following:

**"226.783. The portion of interstate highway 44, from the highway 65 exit on the east side of a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand and which may be eligible to receive moneys from bonds issued under this Act to the highway 160 exit on the west side of a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, shall be designated the "Payne Stewart Highway"."; and**

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 1, In the Title, Line 2, by striking the words "bonding for" and inserting in lieu thereof the words "the department of"; and

Further amend said bill, Page 3, Section 226.134, Line 4, by inserting immediately after said line the following:

**"227.035. 1. The director of the department of transportation is hereby authorized to enter into roadside**

maintenance agreements with private individuals to mow and maintain the portion of the highway between the shoulder and the right-of-way.

2. When considering whether to enter into a contract with a private individual, the director shall consider the following factors:

- (1) Potential cost savings to the state that could result from a contract with a private individual rather than the department performing the task itself;
- (2) Whether the individual has the proper equipment and training to maintain highway rights-of-way for safety and aesthetic purposes;
- (3) Whether such an agreement will displace employees of the department of transportation; and
- (4) Any other factor as may be determined by the commission.

3. Each roadside agreement entered into with a private individual shall describe the standards in which the individual must comply with in order to maintain a safe and aesthetically pleasing highway system.

4. No roadside maintenance agreement shall be obtained in an arbitrary, capricious or discriminatory manner.

5. As used in this section, "roadside maintenance" includes, but is not limited to, mowing, herbicide spraying, erosion control, landscape maintenance, litter removal, fertilizing and brush control."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order as the amendment goes beyond the subject and purpose of the bill.

At the request of Senator Graves, **SA 7** was withdrawn, rendering the point of order moot.

Senator Kenney offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.133, Line 57, by inserting after all of said line the following:

**"6. In addition to one half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles and motortricycles, which is distributed pursuant to subsection 2 of section 30(b) of article IV of the constitution of Missouri, effective July 1, 2001, the general assembly shall appropriate to the state road and bridge fund from the undesignated proceeds of such sales tax, the amount necessary for the payment of the principle and interest of any outstanding bonds issued pursuant to this section."**

Senator Kenney moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich

Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins--29			
	Absent--Senators		
Clay	Kinder	Maxwell	Singleton
Yeckel--5			
	Absent with leave--Senators--None		

**SA 8** was again taken up.

Senator Kenney moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SA 8** and was joined in his request by Senators Childers, Ehlmann, Kenney and Klarich.

**SA 8** failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Mueller	Rohrbach	Sims
Steelman--13			
	NAYS--Senators		
Bland	Carter	Caskey	DePasco
Goode	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Staples	Stoll
Westfall	Wiggins	Yeckel--19	
	Absent--Senators		
Clay	Singleton--2		
	Absent with leave--Senators--None		

Senator Jacob assumed the Chair.

Senator Ehlmann offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.133, Line 57, by inserting after all of said line the following:

**"8. In addition to one half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles and motortricycles, which is distributed pursuant to subsection 2 of section 30(b) of article IV of the constitution of Missouri, effective July 1, 2001, the general assembly shall appropriate to the state road and bridge fund from the undesignated proceeds of such sales tax, the amount necessary for the payment of the principle and interest of any outstanding bonds issued pursuant to this section, not to exceed five million dollars per one hundred million dollars of bonds issued."**

Senator Ehlmann moved that the above amendment be adopted.

Senator Howard requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Ehlmann, Kenney, Mathewson and Mueller.

**SA 9** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Maxwell	Mueller	Rohrbach
Sims	Steelman	Yeckel--15	
NAYS--Senators			
Bland	Carter	Caskey	DePasco
Goode	Howard	Jacob	Johnson
Mathewson	Quick	Russell	Schneider
Scott	Staples	Stoll	Westfall
Wiggins--17			
Absent--Senators			
Clay	Singleton--2		
Absent with leave--Senators--None			

Senator Ehlmann offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, Page 3, Section 226.134, Line 4, by adding at the end of that line, the following:

**"226.1000. 1. As used in sections 226.1000 to 226.1015, unless the context otherwise requires, the following terms shall mean:**

- (1) "Adopted section", a particular section of state highway right-of-way designated by the commission to be adopted by the volunteer individual or group participating in the adopt-a-highway program;**
- (2) "Adopter", the individual or group approved by the commission to be a participant in the adopt-a-highway program;**
- (3) "Adopter representative", a group member designated to represent the volunteer group and serve as its liaison with the commission. The person who signs the agreement shall be the adopter representative;**
- (4) "Agreement", the written agreement between the volunteer individual or group adopting a section of highway right-of-way and the Missouri highways and transportation commission;**
- (5) "Applicant", the individual or group applying for participation in the adopt-a-highway program;**
- (6) "Commission", the Missouri highways and transportation commission, or its authorized representative;**
- (7) "Department", the Missouri highways and transportation department;**
- (8) "Eligible adopters", eligible adopters include incorporated nonprofit organizations with at least ten members, commercial and private enterprises and individuals. The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes. The commission reserves the right to limit the number of adoptions for a single group;**
- (9) "Litter", any unsightly matter that may include, but is not limited to, disposable packaging, containers, cans, bottles, paper and cigar or cigarette butts. Litter does not include hazardous, heavy or large items;**

**(10) "Program", the adopt-a-highway program;**

**(11) "Program activity", litter pickup and/or beautification and/or mowing;**

**(12) "Secret organization", any organization or group which refuses to provide the commission with a list of its members.**

**2. The commission is authorized to establish an adopt-a-highway program to increase public awareness of the environmental needs along Missouri's highways. Individuals and other organizations, as provided in sections 226.100 to 226.112, may adopt a portion of a highway in order to reduce litter along the highways.**

**226.1003. 1. The commission will have sole responsibility in determining whether an application is rejected or accepted and determining what highways will or will not be eligible for adoption, except that no highway shall be denied participation in the program simply because it was funded by bonds approved pursuant to this act.**

**2. The commission may refuse to grant a request to a participant if, in its opinion, granting the request would jeopardize the program, be counterproductive to its purpose or have undesirable results such as increased litter, vandalism or sign theft. The commission may also refuse to grant a request to a participant if granting the request would create a safety hazard to the participant, the traveling public or to employees of the department of transportation.**

**3. Applicants whose members have been convicted of littering, as defined in section 577.070, RSMo, vandalism, as defined in section 574.085, RSMo, and arson, as defined in section 569.040, RSMo, shall not be allowed to participate in the program.**

**4. All incorporated non-profit organizations shall submit a list of the members of the organization who will be picking up the litter with their application to the commission.**

**5. Organizations which refuse to provide such a list of their members shall not be eligible to participate in the program.**

**6. The commission shall not enter into an agreement with any secret organization.**

**226.1006. 1. If an application is approved by the commission, the adopter representative shall execute a written agreement with the commission, and upon signing by both parties, the agreement becomes effective and provides for the group's participation in the program.**

**2. If the application is approved by the commission, the adopter shall:**

**(1) Abide by all provisions contained in the agreement and any other terms and conditions as required by the department;**

**(2) Abide by all safety requirements as listed in the department's safety brochures;**

**(3) Have all members of the group participating in the program activity attend a safety meeting conducted by the adopter representative, or designee, before participation in any program activity;**

**(4) Properly use all safety equipment provided by the department and perform the work in a safe and professional manner;**

**(5) Provide one adult supervisor for every eight participants between thirteen and seventeen years of age and one adult supervisor for every four participants between six and twelve years of age. No one under the age of six will be allowed to participate in the program;**

**(6) Adopt a section of highway right-of-way for a minimum of three years;**



- (7) Collect litter along the adopted section a minimum of four times per year, or as required by the commission;**
- (8) Adopt for litter pickup a minimum of two miles in rural areas and one-half mile in urban areas. Shorter lengths may be permissible in special circumstances;**
- (9) Provide prior notice, as required by the commission, before performing any program activity;**
- (10) Restrict program activities to the areas of right-of-way outside the pavement and shoulder areas;**
- (11) Perform program activity between the hours of one hour after sunrise to one hour before sunset and not during inclement weather;**
- (12) Prohibit members from possessing, consuming or being under the influence of alcohol or drugs while participating in the program;**
- (13) Place litter in trash bags provided by the department and place filled trash bags at a designated location;**
- (14) Separate tires, batteries and other trash as needed for proper disposal according to law; and**
- (15) Indemnify and hold harmless the commission and department and their officers, employees and agents from any claim, lawsuit or liability which may arise from adopter's participation in the program.**

**226.1009. In order to effectively carry out the program, the commission shall:**

- (1) Determine the specific section of right-of-way that is to be adopted;**
- (2) Install and maintain signs, if desired by the adopter, that conform with the standards set by rule, at both ends of the adopted section;**
- (3) Provide the adopter with trash bags;**
- (4) Provide the adopter with safety equipment; and**
- (5) Remove and dispose of filled trash bags from the adopted section as soon as practical after the litter pickup is finished.**

**226.1012. The commission reserves the right to terminate the agreement and remove the signs when, in the sole judgment of the commission, it is found the adopter has not met the terms and conditions of the agreement or there is a concern about the safety of the adopters, the traveling public or Missouri highways and transportation department employees.**

**226.1015. 1. The signs used in the program shall:**

- (1) Identify and recognize the adopter, but are not intended to be an advertising medium;**
- (2) Be designated by the department regarding size, color, location and text;**
- (3) Have the actual name of the adopter with no telephone numbers, logos, slogans or addresses with verbiage kept to a minimum; and**
- (4) Not contain wording which is obscene or profane, or implies an obscenity or profanity.**

**2. The erection of a sign is not a requirement for participation in the program. The commission, at their sole discretion, may refuse to erect a sign under the program.**

**3. The signs cannot be used as a memorial.**

4. The commission may issue certificates to adopters, rather than erecting or maintaining a sign, if there is a concern about the safety of the adopters, traveling public, or Missouri highways and transportation department employees. The commission may also issue a certificate rather than maintain signs if the signs are subject to vandalism or the adopted section of the highway experiences increased littering that can be reasonably related to the presence of the signs." ; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 10** is out of order as the amendment goes beyond the original scope, purpose and intent of the legislation.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 10** was again taken up.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Rohrbach, Klarich and Kenney.

**SA 10** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Mueller	Rohrbach	Sims
Steelman	Yeckel--14		
NAYS--Senators			
Bland	Carter	Caskey	DePasco
Goode	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Staples	Stoll
Westfall	Wiggins--18		
Absent--Senators			
Clay	Singleton--2		
Absent with leave--Senators--None			

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 1742**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HS** for **HCS** for **HB 1742**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Flotron	Klarich	Mueller	Rohrbach--4

Absent--Senators

Singleton--2

Absent with leave--Senators--None

Clay

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1489, 1488 and 1650**, entitled:

An Act to repeal section 167.181, RSMo Supp. 1999, relating to immunizations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1811**, entitled:

An Act to amend chapter 64, RSMo, relating to county planning and zoning by adding thereto ten new sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1927**, entitled:

An Act to repeal sections 249.255, 640.220, 644.016, 644.021, 644.036, 644.052, 644.053, 644.054, 644.056, 644.061, 644.066, 644.071 and 644.076, RSMo 1994, and sections 644.026 and 644.051, RSMo Supp. 1999, relating to water pollution permit fees, and to enact in lieu thereof eighteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1961**, entitled:

An Act to repeal section 570.033, RSMo 1994, relating to the stealing of animals, and to enact in lieu thereof two new

sections relating to the stealing of pets for research purposes and the missing and stolen pet registry, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1946**, entitled:

An Act to repeal section 453.005, RSMo Supp. 1999, relating to adoption, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1768**, entitled:

An Act to repeal section 56.066, RSMo Supp. 1999, relating to full-time prosecutors, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1728**, entitled:

An Act to repeal sections 34.055, 34.070, 34.073, 37.020 and 575.060, RSMo 1994, and sections 34.040, 34.046, 34.076, 34.165 and 610.021, RSMo Supp. 1999, relating to state purchasing procedures for the acquisition of privately produced goods and services within the state which are not produced by the state, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1112**, as amended: Representatives Franklin, Green, Lakin, Legan, Burton.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Phyllis J. Baker, Republican, 3500 Marble Hill Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Women's Council, for a term ending December 6, 2000, and until her successor is duly appointed and qualified; vice, Ellen Dirnberger, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terry Bloomberg, 47 Frontenac Estates, St. Louis, St. Louis County, Missouri 63131, as a member of the Children's Trust Fund Board, for a term ending September 15, 2000, and until her successor is duly appointed and qualified; vice, Linda Ward, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William H. Creech, III, 729 Highway H, Troy, Lincoln County, Missouri 63379, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gretchen G. Davis, Republican, 25 Chesterfield Lakes Road, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Margretta Forrester, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert T. Jackson, 1600 East 52nd Street, Kansas City, Jackson County, Missouri 64110, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Denise L. Osment, Republican, 1562 Grand Court, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Women's Council, for a term ending December 6, 2000, and until her successor is duly appointed and qualified; vice, Barbara Ormsbee, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John R. Small, Ph.D., Republican, 611 East Claysville Road, Hartsburg, Boone County, Missouri 65039, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

**RESOLUTIONS**

Senator Singleton offered Senate Resolution No. 1648, regarding Joshua Dehnke, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1649, regarding Tom and Holly Gillette, St. Charles, which was adopted.

Senator Johnson offered Senate Resolution No. 1650, regarding Janet Gorman Murphy, Ed.D., St. Joseph, which was adopted.

Senator Scott offered Senate Resolution No. 1651, regarding Sister Barbaralie Stieffermann, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1652, regarding Nicholas Bruce Hugeback, Florissant, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Mathewson introduced to the Senate, Ashley McCoy, Jefferson City.

Senator Sims introduced to the Senate, Michael and Grant Hammack, St. Louis; and Grant was made an honorary page.

On behalf of Senator Flotron and himself, Senator Singleton introduced to the Senate, the Physician of the Day, Dr. Michael Ryan, M.D., St. Louis.

Senator Kenney introduced to the Senate, Gary and Alicia Cross, Lee's Summit.

On behalf of Senator Wiggins, the President introduced to the Senate, Jane McQueeny, Kris Doohan, Cindy Fischer, Mary Kruger, Karen Johnson and Boy Scout Troop 118, Kansas City; and Thomas Thorpe, Andy Doohan, Seth Yockey, Jake Fischer, Andrew Johnson, Patrick Schilling, Luke Betterman, Lee Gibbs and Joe Kruger were made honorary pages.

Senator Staples introduced to the Senate, Tina McQuery, Eminence.

Senator Kinder introduced to the Senate, sixty fourth grade students from Clippard Elementary School, Cape Girardeau; and Simeon Ward, Erica Hendrix, Austin Mehner and Chrissy Ulrich were made honorary pages.

Senator Staples introduced to the Senate, Christie Chilton and eighth grade students from Ellington; and Jonathan Chitwood and Bradley Keith were made honorary pages.

Senator Childers introduced to the Senate, Susan Rogers and thirty eighth grade students from Junction Hill School, Junction Hill.

On motion of Senator DePasco, the Senate adjourned until 3:00 p.m., Monday, May 1, 2000.



# Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY--MONDAY, MAY 1, 2000

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Bless the Lord, O my soul, and forget not all His benefit." (Psalm 103:2)

Gracious Father, we return refreshed from sharing Your joy with those we love. You have given us bodies that are "fearfully and wonderfully made." You have given us strength and health to lead productive lives. You have nourished and sustained our bodies so that today our hands and minds are still able to do Your will and our lips are still capable to sing Your praise. So be with us this week and guide our hearts and minds so our decisions produce fruits of Your gracious leading. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 27, 2000, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

## Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1653, regarding Daniel Edward Rubble, Lee's Summit, which was adopted.

Senator Jacob offered Senate Resolution No. 1654, regarding Chester Logan, Columbia, which was adopted.

Senator Bland offered Senate Resolution No. 1655, regarding Leonard Reed, Kansas City, which was adopted.

Senator Childers offered Senate Resolution No. 1656, regarding Loyal D. Jenkins, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1657, regarding Kirby Hedrick, Galena, which was adopted.

Senator Schneider offered Senate Resolution No. 1658, regarding the Sixty-first Wedding Anniversary of Dr. and Mrs. Vincent J. DeBlaze, Chesterfield, which was adopted.

Senator Schneider offered Senate Resolution No. 1659, regarding Sean Patrick Doyle, Florissant, which was adopted.

Senator Bland offered Senate Resolution No. 1660, regarding the Unity Southeast Church, Kansas City, which was adopted.

Senator Jacob offered Senate Resolution No. 1661, regarding Judy Wetrich, Moberly, which was adopted.

Senator Sims offered Senate Resolution No. 1662, regarding Maika Prewitt, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1663, regarding Laura Ernst, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1664, regarding Sabrina Neely, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1665, regarding Amanda Bethmann, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1666, regarding Kerry Bauer, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1667, regarding Angela Marstall, St. Louis, which was adopted.

Senator Graves offered Senate Resolution No. 1668, regarding Virgil Wayne Smith, Buffalo, which was adopted.

Senator Graves offered Senate Resolution No. 1669, regarding the State Champion Mound City 8-Man Football Panthers, which was adopted.

Senator Graves offered Senate Resolution No. 1670, regarding Jonathan Mulch, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1671, regarding Laura Marie Elswick, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1672, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Niehaus, Breckenridge, which was adopted.

Senator Graves offered Senate Resolution No. 1673, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eldon Jones, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1674, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Acheson, Lineville, which was adopted.

Senator Graves offered Senate Resolution No. 1675, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Onnie Conkin, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 1676, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doyle Davis, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1677, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Jack Bolton, Fairfax, which was adopted.

Senator Childers offered Senate Resolution No. 1678, regarding Paula Jones, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1679, regarding Sue Causey, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1680, regarding Ron Smith, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1681, regarding Glenda Chamberlin, Reeds Spring, which was adopted.

Senator Bentley offered Senate Resolution No. 1682, regarding Aire-Master of America, Incorporated, Nixa, which was adopted.

Senator Goode requested unanimous consent of the Senate that the conference committee members on Appropriations be able to meet as needed, while the Senate is in session, which request was granted.

## **CONCURRENT RESOLUTIONS**

Senators Rohrbach and Johnson offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 42**

WHEREAS, the State of Missouri is fully committed to achieving and maintaining water quality for public use and recreation and the protection of aquatic ecosystems; and

WHEREAS, substantial progress has been made toward this objective through considerable financial investments made by municipal and industrial sectors of the economy and an effective federal, state and local partnership with the private sector; and

WHEREAS, the states' direct experience also demonstrates that achievement of water quality goals depends upon the use of sound science and quality data, an iterative approach to water quality management, a commitment to accommodating economic development, the careful investment of limited resources to maximize environmental benefits, and broad-based public support; and

WHEREAS, the states' direct experience also demonstrates that the remaining water quality challenges are complex, difficult, and site-specific, and require tailored solutions, better science, and monitoring data; and

WHEREAS, the State of Missouri has effective regulatory and cooperative programs underway that are achieving better and greater protection of water quality than can be achieved with the prescriptive federal approach; and

WHEREAS, Section 303(d) of the federal Clean Water Act pertaining to total maximum daily loads (TMDL) is but one of many tools states and local governments have to assure effective water quality management and is not always the most efficient and effective; and

WHEREAS, the forest products industry is one of the most important industries in Missouri providing over 36,000 jobs and contributes over 4 billion a year to Missouri's economy; and

WHEREAS, the private timberland owner, who owns 85 percent of the timberland in Missouri, has a good record of voluntary compliance with Missouri's Best Management Practices for timberland that are approved by the EPA and that comply with the Clean Water Act:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the General Assembly strongly urges the Environmental Protection Agency to withdraw from consideration its proposed rules regarding the regulation of silviculture as a non-point source of the Clean Water Act; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Missouri in Congress of the United States, and the Administrator of the EPA as an expression of our sentiments on this vital issue.

## **HOUSE BILLS ON THIRD READING**

**HB 1802**, introduced by Representatives Monaco and Liese, entitled:

An Act to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 1802** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Staples--1

Absent--Senators

Clay Schneider--2

Absent with leave--Senators

Bland Graves--2

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1085**, introduced by Representative Selby, entitled:

An Act to repeal section 630.705, RSMo 1994, relating to standards for mental health facilities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

Senator Stoll moved that **HB 1085** be read the 3rd time and finally passed.

At the request of Senator Stoll, the above motion was withdrawn.

**HB 1591**, with SCS, introduced by Representative Backer, entitled:

An Act to amend chapter 344, RSMo, relating to nursing home administrators by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 1591**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1591

An Act to repeal section 344.040, RSMo 1994, relating to nursing home administrators, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 1591** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 1591** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Staples--1		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Bland	Graves--2		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1353**, with **SCA 1**, introduced by Representative Farnen, entitled:

An Act to repeal section 58.449, RSMo 1994, relating to coroners' test results, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

**SCA 1** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **HB 1353**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Staples--1		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Bland	Graves--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1289**, introduced by Representative Auer, entitled:

An Act to repeal section 610.200, RSMo Supp. 1999, relating to law enforcement agency accident reports, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

Senator Staples assumed the Chair.

On motion of Senator Clay, **HB 1289** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Staples--1		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	Graves--2		

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1509**, introduced by Representative Hosmer, entitled:

An Act to repeal section 407.025, RSMo Supp. 1999, relating to unlawful merchandising practices, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1509** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob

Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Staples--1

Absent--Senators

Johnson Schneider--2

Absent with leave--Senators

Bland Graves--2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1464**--Financial and Governmental Organization.

**HCS for HB 1120**--Appropriations.

**HB 1122**--Appropriations.

**HS for HCS for HBs 1489, 1488 and 1650**--Public Health and Welfare.

**HS for HCS for HB 1811**--Agriculture, Conservation, Parks and Tourism.

**HS for HCS for HB 1927**--Commerce and Environment.

**HCS for HB 1961**--Agriculture, Con-servation, Parks and Tourism.

**HB 1946**--Aging, Families and Mental Health.

**HB 1768**--Civil and Criminal Jurisprudence.

**HS for HB 1728**--Financial and Govern-mental Organization.

### CONCURRENT RESOLUTIONS

Senator Maxwell offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, care for the disabled constitutes a vital service within the State of Missouri; and

WHEREAS, the delivery of care and other services to the disabled is a complex issue and deserving of organized study and review; and

WHEREAS, recent United States Supreme Court cases have dealt with the issue of delivering the appropriate care to the disabled:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the

House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Care Options for the Disabled" to be composed of five members of the Senate, three of whom shall be members of the Senate Appropriations Committee and five members of the House of Representatives, three of whom shall be members of the House Appropriations Committee; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of the impact of Olmstead v. L.C. and E.W. on the disabled community and on the State of Missouri, including barriers to the implementation of changes required by the decision. The committee shall make such recommendations as it deems necessary and shall be authorized to function from August 1, 2000, to January 5, 2001; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by July 1, 2000, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000; and

BE IT FURTHER RESOLVED, that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses of each staff shall be paid from the contingency fund of their respective departments; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem of the Senate, and the Speaker of the House of Representatives.

### **HOUSE BILLS ON THIRD READING**

**HS** for **HCS** for **HJR 61**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to taxation, by adding thereto one new section relating to the tobacco settlement trust fund.

Was called from the Informal Calendar and taken up by Senator Quick.

**SCS** for **HS** for **HCS** for **HJR 61**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 61

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Was taken up.

Senator Quick moved that **SCS** for **HS** for **HCS** for **HJR 61** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 1, In the Title, Line 3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said resolution and page, preamble, line 4, by striking the word "amendment" and inserting in lieu thereof the following: "amendments, to be presented as separate questions,"; and



Further amend said resolution, page 2, section B, line 11, by inserting immediately after said line the following:

"Section C. Article X, Constitution of Missouri, is amended by adding thereto one new section, to be submitted to the voters as a separate question, to be known as section 18(f), to read as follows:

**Section 18(f). All moneys received by the state of Missouri which are the proceeds of any award or settlement resulting from a final order in any dispute between the state of Missouri and any company which manufactures, sells or promotes tobacco or tobacco products shall be deposited into the Missouri tobacco settlement trust fund and shall be included in "total state revenues" as defined in section 17 of this article. Any refund made pursuant to this article shall be funded by a proportionate amount from the Missouri tobacco settlement trust fund. Tobacco award or settlement proceeds which do not exceed the revenue limit established in section 18 of this article shall be subject to appropriation by the General Assembly for the following purposes only:**

**(1) Sixty percent of the moneys shall be used for health care and health research and development;**

**(2) Twenty percent of the moneys shall be used for tobacco and substance abuse education, prevention and cessation; and**

**(3) Twenty percent of the moneys shall be deposited into the "Emergency Budget Reserve Fund", which is hereby created in the state treasury and, upon two-thirds vote of the members elected to each house, shall be used to address any state emergency and any natural disaster.**

Section D. Pursuant to section 116.155, RSMo, the official ballot title shall be:

"Shall the tobacco proceeds be included in total state revenues, and proceeds which do not exceed the revenue limit be used exclusively for the following purposes: 60% for health care and health research and development; 20% for tobacco and substance abuse initiatives; and 20% to address state emergencies and natural disasters?"

Pursuant to section 116.155, RSMo, the fiscal note summary shall be:

"Approval of this ballot measure includes tobacco settlement proceeds in an amount of a projected maximum of one hundred thirty-five million dollars per year to two hundred seven million dollars per year in constitutional revenue limit calculations at no additional cost to the taxpayers." "

Senator Jacob moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Maxwell offered **SA 1 to SA 1:**

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting immediately after the word "development" the following: "**, thirty-five percent of which shall be used to fund programs or activities designed to provide assistance for person age sixty-five or over for the purpose of meeting the costs of purchasing prescription drugs**".

Senator Maxwell moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting immediately after the word "development" the following: "**, thirty percent of which shall be used to fund programs or activities designed to provide assistance for persons age sixty-five or over for the purpose of meeting the costs of purchasing prescription drugs**".

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, **SSA 1** for **SA 1** to **SA 1** was withdrawn.

Senator Jacob offered **SSA 2** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR  
SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting immediately after the word "development" the following: "**, thirty percent of which shall be used to fund programs or activities designed to provide assistance for persons age sixty-five or over and other persons determined to have a substantial need for assistance for the purpose of meeting the costs of purchasing prescription drugs**".

Senator Jacob moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

Senator Quick requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** to **SA 1** and was joined in his request by Senators Jacob, Mueller, Russell and Wiggins.

**SSA 2** for **SA 1** to **SA 1** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Childers	Ehlmann	Graves	Mueller
Rohrbach	Schneider	Singleton--7	
	Absent--Senators--None		
	Absent with leave--Senators--None		

SA 1, as amended, was again taken up.

Senator Stoll assumed the Chair.

Senator Childers offered SA 2 to SA 1, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 9, by deleting said line and inserting in lieu thereof the following:

**"(1) Sixty percent of the moneys shall be deposited into a subaccount of the Missouri Tobacco Settlement Trust Fund and in any one year twenty five percent plus any interest accrued in such subaccount shall be used for health".**

Senator Childers moved that the above amendment be adopted.

Senator Ehlmann offered SSA 1 for SA 2 to SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 9 of said page, by striking the word "Sixty" and inserting in lieu thereof the following: **"Thirty"**; and further amend line 11, by striking the word "Twenty" and inserting in lieu thereof the following: **"Ten"**; and

Further amend said bill and section, page 2, line 13, by striking the word "Twenty" and inserting in lieu thereof the following: **"Ten"**; and further amend line 17, by inserting immediately after said line the following:

**"(4) Fifty percent of the moneys shall be used to provide property tax relief."**

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of SSA 1 for SA 2 to SA 1 and was joined in his request by Senators Childers, Jacob, Rohrbach and Ehlmann.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Scott  
Absent--Senators  
Staples--2  
Absent with leave--Senators--None

**SSA 1 for SA 2 to SA 1** failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Singleton	Steelman	Westfall	Yeckel--16
	NAYS--Senators		
Bland	Carter	Caskey	Childers
Clay	DePasco	Howard	Jacob
Johnson	Mathewson	Quick	Schneider
Sims	Staples	Stoll	Wiggins--16
	Absent--Senators		
Goode	Scott--2		
	Absent with leave--Senators--None		

Senator Johnson assumed the Chair.

**SA 2 to SA 1** was again taken up.

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Steelman, Westfall and Wiggins.

**SA 2 to SA 1** failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Rohrbach	Russell	Singleton	Westfall--12
	NAYS--Senators		
Bland	Carter	Caskey	Clay
DePasco	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--21			
	Absent--Senator Goode--1		
	Absent with leave--Senators--None		

**SA 1**, as amended, was again taken up.

President Wilson assumed the Chair.

Senator Sims offered **SA 3 to SA 1**:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 13, by changing "twenty" to "ten" and adding after line 17:

"(4) Ten percent of the moneys shall be used for early intervention and prevention of illness through programs for children."

Senator Sims moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Yeckel offered **SA 4** to **SA 1**, which was read:

SENATE AMENDMENT NO. 4 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 17, by inserting immediately after all of said line, the following: **"Of the portion of moneys in the tobacco settlement trust fund dedicated to health research pursuant to subdivision 1 of this section, none of the moneys shall be expended to subsidize research in which any person or entity financially profits from providing fetal or baby parts or tissue from induced or spontaneous abortions."**

Senator Yeckel moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 4** to **SA 1** and was joined in his request by Senators Bland, DePasco, Kinder and Rohrbach.

**SA 4** to **SA 1** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Goode	Sims--2		
Absent with leave--Senators--None			

**SA 1**, as amended, was again taken up.

Senator Steelman offered **SA 5** to **SA 1**, which was read:

SENATE AMENDMENT NO. 5 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting after the word "development" the words, "which shall include, but not be limited to, funding for long-term care services for the elderly."

Senator Steelman moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 5** to **SA 1** is out of order as it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem.

Senator Steelman requested that **SA 5** to **SA 1** be withdrawn.

Senator Scott raised the point of order that **SA 5** to **SA 1** cannot be withdrawn while there is a pending point of order.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Howard, his point of order was withdrawn.

Senator Jacob raised the point of order that **SA 5** to **SA 1** is out of order in that it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Steelman, **SA 5** to **SA 1** was withdrawn.

Senator Steelman offered **SA 6** to **SA 1**, which was read:

SENATE AMENDMENT NO. 6 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting after the word "development" and before the language adopted by Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Amendment No. 1, the words, "which shall include, but not be limited to, funding for long-term care services for the elderly."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Flotron offered **SA 7** to **SA 1**, which was read:

SENATE AMENDMENT NO. 7 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 17, by inserting after said line the following: **"The provisions of Article I, Section 7 of this constitution shall not apply to the uses of any revenue appropriated pursuant to this provision."**

Senator Flotron moved that the above amendment be adopted.

Senator Goode requested unanimous consent of the Senate for the Committee on Appropriations to meet while the

Senate is in session, which request was denied.

At the request of Senator Quick, **HS** for **HCS** for **HJR 61**, with **SCS**, **SA 1** and **SA 7** to **SA 1**, as amended (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1742**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1185** and has again taken up and passed **SCS** for **HB 1185**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 810**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 719**, entitled:

An Act to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 4**.

### HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, macular degeneration is an eye disease that occurs when there are changes to the macula, which is a small portion of the retina that is located on the inside back layer of the eye, and results in a reduction of central vision and makes seeing details for close work, such as reading, difficult or impossible; and

WHEREAS, macular degeneration is the leading cause of blindness among older Americans, affecting ten million people today. The National Eye Institute estimates that the number could rise to eighteen million people by 2030; and

WHEREAS, there are two types of age-related macular degeneration. The wet form of macular degeneration, which involves only about ten percent of cases, responds to laser treatments in its early stages. The more common dry form is considered untreatable, although some recent research indicates that certain antioxidant vitamins and minerals may help prevent or slow its progression; and

WHEREAS, the exact cause of macular degeneration is unknown, but it may be related to aging, high blood pressure, smoking, and exposure to high levels of ultraviolet radiation and blue light, both found in sunlight; and

WHEREAS, ongoing research and studies have resulted in some encouraging early findings, such as the possible reversal of macular degeneration

in its early stages; and

WHEREAS, the state of Missouri, through research, programs and funding, could facilitate the discovery and implementation of promising new treatments, technologies and programs for assistance for the benefit of those persons in the state who are afflicted with this disease:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that a Joint Interim Committee of the General Assembly be created to be composed of five members of the House of Representatives, to be appointed by the Speaker of the House, with no more than three such members from the same political party, and five members of the Senate, appointed by the President Pro Tem of the Senate, with no more than three such members from the same political party, and that said committee be authorized to function during the interim between the Ninetieth and Ninety-first General Assemblies; and

BE IT FURTHER RESOLVED that said committee make a comprehensive study on macular degeneration, including the solicitation of information from appropriate state agencies and the public on the social, economic, educational and health implications of macular degeneration;

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide such legal, research, clerical, technical and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2001, and the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 27**.

#### HOUSE CONCURRENT RESOLUTION NO. 27

WHEREAS, military retirees who have served honorably for twenty or more years constitute a significant part of the aging population in the United States; and

WHEREAS, these retirees were encouraged to make the United States Armed Forces a career, in part by the promise of lifetime health care for themselves and their families; and

WHEREAS, prior to age sixty-five, these retirees are provided health services by the United States Department of Defense's TRICARE prime program, but those retirees who reach the age of sixty-five lose a significant portion of the promised health care due to Medicaid eligibility; and

WHEREAS, many of these retirees are also unable to access military treatment facilities for health care and life maintenance medications because they live in areas where there are no military treatment facilities or where these facilities have downsized so significantly that available space for care has become nonexistent; and

WHEREAS, the loss of access to health care services provided by the military has resulted in the government breaking its promise of lifetime health care; and

WHEREAS, without continued affordable health care, including pharmaceuticals, these retirees have limited access to quality health care and significantly less care than other retired federal civilians have under the Federal Employees Health Benefits Program; and

WHEREAS, it is necessary to enact legislation that would restore health care benefits equitable with those of other retired federal workers; and

WHEREAS, several proposals to meet this requirement are currently under consideration before the United States Congress and the federal Department of Defense and Department of Health and Human Services; of these proposals, the federal government has already begun to establish



demonstration projects around the country to be conducted over the next three years, which would allow Medicare to reimburse the Department of Defense for the costs of providing military retirees and their dependents health care; this project would allow a limited number of Medicare-eligible beneficiaries to enroll in the Department of Defense's TRICARE prime program and receive all of their health care under that program:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby memorialize the Congress of the United States to maintain its commitment to America's military retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those uniformed services beneficiaries who are eligible for Medicare, on the same basis and conditions that apply to retired federal civilian employees; and to enact any other appropriate legislation that would address the above concerns; and

BE IT FURTHER RESOLVED that the Chief Clerk of the of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Missouri Congressional delegation with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 881**, entitled:

An Act to repeal sections 92.418 and 238.060, RSMo 1994, relating to transportation in cities, and to enact in lieu thereof two new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 881, Page 7, Section 238.060, Line 12 of said page, by deleting the word "**if**" and inserting in lieu thereof the word "**of**".

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 881, the last page, Section 92.418, by inserting after all of said line the following:

"94.655. [1.] In those cities in which the transportation sales tax has been submitted to and approved by the voters or by a majority vote of the governing body of any such city without submission of the issue to the voters, the transportation sales tax shall remain in effect until repealed by local ordinance in those cities.

[2. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2001.]; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 22**.

#### HOUSE CONCURRENT RESOLUTION NO. 22

WHEREAS, last session, in Senate Bill No. 386, the general assembly recognized changes made by the United States Congress to Section 451(h) of the Internal Revenue Code, which allow for favorable tax treatment for those pre-October 22, 1998, lottery winners currently receiving annual

payments from annuities or securities who elect to receive a single cash payment of the remaining value of their prize within the eighteen-month period between July 1, 1999, and December 31, 2000; and

WHEREAS, as a result of the passage of Senate Bill No. 386 and the signature of such bill by the governor, section 313.351 became law effective August 28, 1999; and

WHEREAS, section 313.351 allows the state lottery commission to authorize pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities to elect a single cash payment in lieu of remaining annual payments upon presentation of a plan to the general assembly and receipt of approval therefor from the general assembly by concurrent resolution; and

WHEREAS, the state lottery commission has submitted to the speaker of the house of representatives, the president pro tempore of the senate and the commissioner of the office of administration the details of its plan to allow state lottery prize winners who are currently receiving annual payments to receive the present value of the remaining payments at the date of execution a single cash payment in lieu of remaining annual payments pursuant to Section 451(h) of the Internal Revenue Code; and

WHEREAS, the plan specifies all details required by section 313.351, including details on obtaining the funds necessary to present the option of single cash payments to pre-October 22, 1998, lottery winners, data indicating fifty percent of such winners will choose a lump-sum option, data indicating that a one-time increase of total state revenues would occur in an approximate amount of four million six hundred thousand dollars and the lottery's belief that offering the single cash payments will provide a valuable service to lottery winners:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby determine that the state lottery commission's plan complies with the requirements of section 313.351, and that approving such plan will provide a valuable service to lottery winners which, in turn, will serve to further education in this state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the state lottery commission's plan for implementing lump-sum payments for pre-October 22, 1998, lottery winners.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, and grant the House a conference thereon, which motion prevailed.

### INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, his daughter, Melissa Montgomery and his grand-daughters Mackenze and Audrey Montgomery, Springfield; and Mackenze and Audrey were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Tuesday, May 2, 2000.

### SENATE CALENDAR

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SIXTY-FOURTH DAY-TUESDAY, MAY 2, 2000

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## FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 818 & 564-Maxwell

and Kinder, with SCS

SB 955-Mathewson, et al

SB 1048-Mathewson,

with SCS

SB 866-Klarich

SB 748-Johnson, with SCS

SB 1047-Rohrbach, with SCS

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &

671-Mathewson, with

SCS

### HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with

SCS (Johnson)

(In Budget Control)

2. HS for HB 1615-Hosmer,

with SCS (Caskey)

(In Budget Control)

3. HB 1808-O'Toole, with

SCS (Scott)

4. HS for HCS for HBs 1566 &  
1810-Bray, with SCS (Scott)

(In Budget Control)

5. HCS for HB 1142, with  
SCS (Johnson)

6. HCS for HBs 1386 &  
1086, with SCS  
(Maxwell)

7. HB 1082-Crump, with  
SCS (Childers)

8. HB 1706-Gambaro,  
et al, with SCS (Clay)

9. HS for HCS for  
HB 1076-Relford,  
with SCS (Stoll)

(In Budget Control)

10. HS for HB 1603-May  
(108th), with SCS  
(Jacob)

11. HB 1292-Auer, with  
SCS (Jacob)

12. HCS for HB 1434, with  
SCA 1 (Quick)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,  
834 & 832-Staples,  
with SCS (pending)

SBs 584, 539, 630, 777,  
796, 918 & 927-Bentley,  
with SCS & SS for SCS  
(pending)

SBs 599 & 531-Schneider,  
with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with  
SCS & SA 1 (pending)

SB 720-Caskey, with SS &  
SA 3 (pending)

SB 729-House, with SCS &  
SA 8 (pending)

SB 744-Klarich

SB 803-Goode, et al, with  
SCS

SBs 807, 553, 574, 614,  
747 & 860-Jacob, with  
SCS, SS for SCS & SA 2  
(pending)

SB 817-Stoll, with SCS

SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5

(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 930-Jacob, with SCS

SB 957-Johnson and Quick,

with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SJR 45 & 41-House, with

SCS (pending)

SJR 46-Goode, et al, with

SCS (pending)

SJR 47-Quick, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & point

of order (pending)

## HOUSE BILLS ON THIRD READING

HS for HCS for HJR 61-Van

Zandt, with SCS, SA 1

& SA 7 to SA 1 (pending)

(Quick)

## CONSENT CALENDAR

### Senate Bills

Reported 2/15

SB 740-Wiggins

### House Bills

Reported 4/10

SCS for HB 1604-Graham

(106th) (Johnson)

(In Budget Control)

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/12

HB 1321-Relford, et al

(Caskey)

HB 1284-Kissell (House)

HB 1077-Relford

(Mathewson)

HB 1631-Hoppe, with SCS

(Mathewson)

HB 1454-Hoppe, with SCS

(Mathewson)

HB 1659-Summers, with SCS

(Maxwell)

HB 1486-Abel, et al

(Stoll)

HB 1647-Skaggs (Quick)

HB 1097-Hosmer, with SCS

(Caskey)

HB 1428-Hickey, et al,

with SCAs 1, 2 & 3

(DePasco)

HB 1739-Auer, with SCS

(Jacob)

HB 1544-Smith (Mueller)

Reported 4/13

HB 1848-Treadway, with

SCS (Carter)

HB 1568-Riback Wilson and

Holand, with SCS (Jacob)



HB 1596-Auer (Clay)

HB 1875-Franklin, with

SCA 1 (Wiggins)

HB 1396-Farnen, with SCS

(Johnson)

HB 1363-Bray, et al

(Quick)

HB 1948-Gratz, et al,

with SCS (Staples)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 549-Quick,

et al, with HS for HCS,

as amended

SCS for SB 719-Wiggins,

et al, with HCS

SB 881-Wiggins, with HS

for HCS, as amended

## BILLS IN CONFERENCE AND BILLS

### CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1102, with SCS,

as amended (Goode)

HCS for HB 1103, with SCS,

as amended (Goode)

HCS for HB 1104, with SCS  
(Goode)

HCS for HB 1105, with SCS,  
as amended (Goode)

HCS for HB 1106, with SCS,  
as amended (Goode)

HCS for HB 1107, with SCS,  
as amended (Goode)

HCS for HB 1108, with SCS  
(Goode)

HCS for HB 1109, with SCS  
(Goode)

HCS for HB 1110, with SCS,  
as amended (Goode)

HCS for HB 1111, with SCS,  
as amended (Goode)

HCS for HB 1112, with SCS,  
as amended (Goode)

HS for HCS for HB 1742-  
Koller, with SCS, as  
amended (Mathewson)

## RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

To be Referred

SCR 42-Rohrbach and  
Johnson

SCR 43-Maxwell

HCR 4-Kennedy and Thompson

HCR 27-Ross, et al

HCR 22-Liese

Reported from Committee

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House

# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTY-FOURTH DAY--TUESDAY, MAY 2, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Let your speech be always with Grace." (Colossians 4:6)

Lord God, may our speech be filled with care and consideration as patience decreases and tensions increase. We have heard "...there is a dogmatism of the clenched fist and a dogmatism of the open hand, a dogmatism of the gracious spirit and a dogmatism of the bitter heart and biting word." Help us to have a disposition of the kindest heart and spirit and an open and inviting hand as we deal with each other in these closing days. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

**Present--Senators**

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1683

WHEREAS, the members of the Missouri Senate have tremendous esteem for those Show-Me State high school marching bands that have attained national renown for the excellent and professional standards to which they adhere in both practice and performance; and

WHEREAS, the Joplin High School Marching Eagles Band of Joplin, Missouri, has enjoyed the honor of being selected to participate in the 2001 Rose Bowl Parade which is held annually in Pasadena, California; and

WHEREAS, with a notable history of achievement in a wide variety of competitive venues, the Joplin High School Marching Band earned First Place at the Tulsa State Fair Parade; and

WHEREAS, the Marching Eagles have run up an impressive tally of ten First Place rankings in parade this past year alone; and

WHEREAS, during the Neewollah Marching Competition, the Joplin Marching Band received a well-deserved Outstanding rating for its exemplary percussion section; and

WHEREAS, at the All-American Magic Music Days at Disneyworld in Orlando, Florida, the Joplin Marching Eagles won Second Place in color guard, First Place in percussion, First Place in field show, First Place in parade, and Best Overall recognition; and

WHEREAS, foreshadowing their invitation to the Rose Bowl, the Joplin Marching Band took Second Place in parade, Second Place in field show, and Second in percussion at the recent Cotton Bowl in Dallas, Texas; and

WHEREAS, of the more than two thousand students participating in the Cotton Bowl mass band performance, the Joplin Eagles percussion section was chosen to lead the all-important cadence which established the rhythm and pace of the entire routine:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the dedication and diligence demonstrated by the Joplin High School Marching Band and to congratulate the band students and staff for their selection to participate in the upcoming 2001 Rose Bowl Parade; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the Joplin High School Eagles Marching Band.

## **REFERRALS**

President Pro Tem Quick referred **SCR 42; SCR 43; HCR 4; HCR 27; and HCR 22** to the Committee on Rules, Joint Rules and Resolutions.

## **RESOLUTIONS**

Senators Wiggins, Mathewson, Westfall, Quick, Howard, Klarich, Caskey, Sims, Clay, DePasco, Mueller, Yeckel and Carter offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 1684**

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Donald L. Gorman, Kansas City; and

WHEREAS, Mr. Gorman, a native of St. Louis, was a long time associate of Southwestern Bell Telephone Company which company he served faithfully and effectively representing its interests in the Missouri Capitol with a demeanor and approach which was always forthright, honest and just; and

WHEREAS, in later years after his retirement he and his long time friend Bob Waldron formed Gorman-Waldron Associates, a legislative affairs firm, with offices in Kansas City and Jefferson City; and

WHEREAS, Mr. Gorman was a lifelong Catholic, a graduate of St. Louis University, and was a faithful member of St. Thomas More Catholic Church, the Telephone Pioneers of America, and Blue Hills Country Club; and

WHEREAS, Mr. Gorman was particularly active in his application and support of Rockhurst High School, where his sons attended high school, was an ardent supporter of the school, and for two consecutive years, 1977 and 1978, was chairman of the annual Rockhurst Dinner and Auction, the main fund raiser of the school, and he was a lifetime member of the Rockhurst High School Fathers Club; and

WHEREAS, Mr. Gorman, a charming and friendly man, who was liked by everyone who ever met him, was married in 1958 to Catherine Obermark, they had four children, and Mr. Gorman was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Donald L. Gorman a fine and good man, express their appreciation for his lifetime of good citizenship; and his contributions to Kansas City, to Missouri and particularly to Rockhurst High School, and extend to his wife, Mrs. Catherine Gorman, family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Catherine Gorman; his sons, Jim Gorman and Mike Gorman; his daughters, Peggy Tudor and Kathy Gorman; Rockhurst High School; St. Louis University High School; St. Louis University; Bob Waldron; Southwestern Bell Telephone Company and Kathleen C. Affairs.

Senator Yeckel offered Senate Resolution No. 1685, regarding Scott Robert Warren, Oakville, which was adopted.

Senator Childers offered Senate Resolution No. 1686, regarding Teresa Berger Smith, Reeds Spring, which was adopted.

Senator Howard offered Senate Resolution No. 1687, regarding Benjamin Hunsaker, Bloomfield, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HB 1321**, introduced by Representative Relford, et al, entitled:

An Act to amend chapter 589, RSMo, relating to crime prevention and control by adding thereto twenty-four new sections for the purpose of enacting the Interstate Compact for Adult Offender Supervision.

Was called from the Consent Calendar and taken up by Senator Caskey.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

On motion of Senator Caskey, **HB 1321** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1808**, with **SCS**, introduced by Represen-tative O'Toole, entitled:

An Act to repeal sections 87.120 and 87.176, RSMo 1994, relating to firemen's retirement and relief systems, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Scott.

**SCS** for **HB 1808**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1808

An Act to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230 and 87.237, RSMo 1994, and sections 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770 and 513.430, RSMo Supp. 1999, relating to public benefits and compensation, and to enact in lieu thereof seventy-nine new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HB 1808** be adopted.

Senator Scott offered **SS** for **SCS** for **HB 1808**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1808

An Act to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140 and 104.345, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.070, 169.075, 169.600, 169.620, 169.670 and 513.430, RSMo Supp. 1999, relating to certain pension benefits and compensation, and to enact in lieu thereof one hundred eight new sections relating to the same subject, with an emergency clause for a certain section.

Senator Scott moved that **SS** for **SCS** for **HB 1808** be adopted.

Senator Stoll assumed the Chair.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 54, Section 86.213, Line 6 of said page, by striking the opening and closing brackets "[ ]" from said line and further amend said line of said page, by striking "twenty".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 256, Section 169.670, Line 15 of said page, by inserting immediately after said line the following:

**"476.687. Any judge as defined in section 476.515 who is actively serving and has served for at least ten years shall receive additional credited service for previous public employment with the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:**

- (1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section and is not a retiree under the other retirement plan;**
- (2) The other retirement plan transfers to the system an amount equal to the employee's account balance under a defined contribution plan or the amount equal to the employee's pension obligation under a defined benefit plan at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;**
- (3) No such credited service remains credited in such other retirement plan;**
- (4) The member applies for the additional credited service in a manner and form established by the appropriate board.";** and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 256, Section 169.670, Line 15, by inserting immediately after said line the following:

**"173.003. Compensation, retirement and severance policies and practices of approved public institutions, as defined in section 173.205, shall be applied uniformly, consistently and fairly to all officials and employees of such approved public institutions; and no employees or officials of such approved public institutions shall be singled out for individual compensation, retirement or severance which is inconsistent with the formally adopted policies and practices of such approved public institutions.";** and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 4, Section 67.210, Line 8, by inserting after the word "dependents" the following: **"and the dependents of deceased employees"**.



Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 237, Section 169.075, Line 23, by inserting immediately after said line the following:

**"169.596. 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers, but not retired administrators, from any Missouri public teacher retirement system to teach full time in a teaching assignment for up to two years without losing his or her retirement benefits. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district or five persons. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7. The provisions of this section shall not become effective until the affected retirement systems have completed actuarial studies assuring that the provisions are cost-neutral and the systems remain actuarially sound. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.**

**2. Any school district may employ retirees receiving a retirement allowance pursuant to sections 169.600 to 169.715 for a period of up to two years without losing his or her benefits."; and**

Further amend said bill, page 262, section B, line 1, by inserting after "169.075," the following: "169.596"; and

Further amend said bill and section, page 262, line 20, by inserting after "169.075" the following: "169.596"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Howard, Kenney and Steelman.

Senator Caskey offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 1, Section 169.596, Line 11, by inserting after "benefits" on said line; "provided said teacher had taught for at least 30 years prior to retirement.".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

**SA 5**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Jacob	Kenney
Kinder	Maxwell	Mueller	Russell
Staples	Steelman	Westfall	Yeckel--20

NAYS--Senators

Bland	Carter	House	Johnson
Klarich	Mathewson	Rohrbach	Schneider
Scott	Sims	Singleton	Wiggins--12
	Absent--Senators		
Quick	Stoll--2		
	Absent with leave--Senators--None		

At the request of Senator Scott, **HB 1808**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 29**.

### HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, the U.S. Department of Energy is in the second year of a ten-year plan to truck spent nuclear fuel containing weapon-grade plutonium and uranium from South Carolina to a waste storage site in Idaho; and

WHEREAS, last year, the U.S. Department of Energy routed the nuclear waste through the state of Iowa on Interstate 80, which is less traveled and has fewer accidents than other possible interstate routes; and

WHEREAS, for the summer of 2000, the U.S. Department of Energy has decided to reroute the nuclear waste through the state of Missouri on Interstate 70, which has far more traffic, far more accidents and far more maintenance problems than Interstate 80; and

WHEREAS, according to the Missouri Department of Natural Resources, in 1997, 6,242 accidents occurred on I-70 in Missouri compared to 1,574 accidents on I-80 in Iowa, and in 1998, 6,476 accidents occurred on I-70 in Missouri compared to 1,270 accidents on I-80 in Iowa; and

WHEREAS, in February of this year, the Governor of Missouri sent a letter to the U.S. energy secretary opposing the use of Interstate 70 for transportation of nuclear waste, citing the extremely high traffic volume and the large number of planned construction projects on Interstate 70 that will reduce traffic flow to a single lane throughout the summer of 2000; and

WHEREAS, the junior United States Senator from Missouri has asked the United States Department of Energy to reconsider its decision to route nuclear waste through Missouri on I-70; and

WHEREAS, in light of the U.S. Department of Energy's goal to protect the public and to protect the nuclear waste material during transportation, the decision of the Department to reroute nuclear waste on Interstate 70 instead of the safer Interstate 80 seems inconsistent with the stated goal of the Department:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby denounce the decision by the United States Department of Energy to reroute nuclear waste through the state of Missouri on Interstate 70 for the summer of 2000 and urge the energy secretary to utilize Interstate 80 for the transportation of nuclear waste; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Bill Richardson, the United States energy secretary.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1353** and has again taken up and passed **HB 1353**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HB 1591** and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

### **PRIVILEGED MOTIONS**

Senator Howard moved that the Senate refuse to recede from its position on **SCS for HB 1591** and grant the House a conference thereon, which motion prevailed.

### **CONCURRENT RESOLUTIONS**

Senator Quick offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 44**

WHEREAS, the general assembly is continually asked to act upon measures dealing with complex and controversial subjects; and

WHEREAS, such measures frequently require lengthy and comprehensive study and evaluation; and

WHEREAS, the committee system of evaluation of proposed legislation has proven its worth time and again to the entire membership of the general assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, the House of Representatives concurring therein, that the standing committees of each house and such other committees of the Senate and House of Representatives as the president pro tem or the speaker shall designate may meet with the approval of the president pro tem or speaker, as the case may be, to consider bills or to perform any other necessary legislative function during the interim prior to the convening of the 91st general assembly; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the members of each committee incurred while attending meetings of those committees, and the expense of the research and clerical personnel assigned thereto, be paid from the appropriate House or Senate contingent fund.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

#### **OFFICE OF THE GOVERNOR**

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy Stroh Becvar, Democrat, 6330 San Bonita Avenue, St. Louis, St. Louis County, Missouri 63105, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joanne S. Griffin, Republican, 1152 Center Drive, St. Louis, St. Louis County, Missouri 63117, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, Terrence R. Ward, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Maurice J. Nutt, C.Ss.R., 1118 North Grand Boulevard, St. Louis City, Missouri 63106, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2004, and until his successor is duly appointed and qualified; vice, Wayman F. Smith, III, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Juan M. Rangel, Jr., Democrat, 7622 North Garfield, Kansas City, Clay County, Missouri 64118, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Robert Stanton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marjorie B. Schramm, Republican, 850 Elm Tree Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the State Highways and Transportation Commission, for a term ending December 1, 2005, and until her successor is duly appointed and qualified; vice, Robert E. Jones, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark H. Comensky, Ph.D., 617 East Cherry, Nevada, Vernon County, Missouri 64772, as a member of the Committee for Professional Counselors, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy J. Dorsey, Republican, 1115 Woodchase Lane, Number F, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2003, and until his successor is duly appointed and qualified; vice, Michael Goldsworthy, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debra A. Foster, Republican, 6140 North Hull, Kansas City, Jackson County, Missouri 64151, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Susanne Hoffmann, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Hugh G. Jenkins, Democrat, Route 4, Box 455, Butler, Bates County, Missouri 64730, as a member of the Land Reclamation Commission, for a term ending September 28, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Samuel D. Leake, Democrat, 49347 Garden Grove Lane, Center, Ralls County, Missouri 63436, as a member of the State Tax Commission, for a term ending January 23, 2005, and until his successor is duly appointed and qualified; vice, Van Donley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine B. Leapheart, 1810 Pinnacle Point, Holts Summit, Callaway County, Missouri 65043, as the Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Karla McLucas, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Teri E. Loney, Psy.D., Route 6, Box 24, Nevada, Vernon County, Missouri 64777, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:



Dorothy B. McGuffin, LPC, 1821 Lakemont Lane, St. Louis, St. Louis County, Missouri 63138, as a member of the Committee for Professional Counselors, for a term ending August 28, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jocelyn J. Osborne, Republican, 456 Julian Place, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Logan E. Whitaker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anita K. Parran, 7145 McGee Street, Kansas City, Jackson County, Missouri 64114, as a public member of the Missouri State Board of Pharmacy, for a term ending April 28, 2005, and until her successor is duly appointed and qualified; vice, Janet H. Shipton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul D. Potthoff, Republican, 4718 South Kimbrough, Springfield, Greene County, Missouri 65810, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 184.827.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Raeanne E. Presley, Republican, 404 Judy Street, Branson, Taney County, Missouri 65616, as a member of the Tourism Commission, for a term ending January 15, 2002, and until her successor is duly appointed and qualified; vice, Buddy Bolinger, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christina L. Quick, Republican, 10020 East 42nd Street, Kansas City, Jackson County, Missouri 64133, as a member of the State Milk Board, for a term ending September 28, 2001, and until her successor is duly appointed and qualified; vice, Cynthia Davis, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Keith E. Spare, 5128 Brookside Boulevard, Kansas City, Jackson County, Missouri 64112, as a member of the Committee for Professional Counselors, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Christopher Magilo, Ph.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 28, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sue Carrol Terry, Republican, 6498 East Farm Road 186, Rogersville, Greene County, Missouri 65742, as a member of the State Lottery

Commission, for a term ending September 7, 2002, and until her successor is duly appointed and qualified; vice, Jana Poteet, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

J. Joe Adorjan, Republican, 223 North Bemiston, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Gaming Commission, for a term ending April 29, 2003, and until his successor is duly appointed and qualified; vice, Julian M. Seeherman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 721**, entitled:

An Act to repeal sections 209.251, 209.253, 209.255, 209.258 and 209.259, RSMo Supp. 1999, relating to telecommunications for persons with disabilities, and to enact in lieu thereof seven new sections relating to the same subject.

With House Amendment No. 1.

### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 721, Page 7, Section 209.259, Line 25, by inserting after all of said line the following:

"Section B. Section 301.020, RSMo Supp. 1999, and section 302.171, as both versions appear in RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 192.936, 301.020 and 302.171, to read as follows:

**192.936. 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary notwithstanding.**

**2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.**

**3. The program shall provide for:**

**(1) Public education about blindness and other eye conditions;**

**(2) Screenings and eye examinations to identify conditions that may cause blindness; and**

**(3) Treatment procedures necessary to prevent blindness.**

**4. The department may contract for program development with any department approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.**

**5. The department may adopt rules to prescribe eligibility requirements for the program.**

**6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

**7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.936, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.936, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.**

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in

this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

**3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.936, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.936, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.**

[302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of

revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.]

Section C. The provisions of section B of this act shall become effective January 1, 2001."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Senator Johnson assumed the Chair.

President Wilson assumed the Chair.

CONCURRENT RESOLUTIONS

Senator House moved that **SCR 40** be taken up for adoption, which motion prevailed.

Senator House moved that **SCR 40** be adopted.

Senator House was recognized to close.

President Pro Tem Quick referred **SCR 40** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

**HB 1284**, introduced by Representative Kissell, entitled:

An Act to repeal section 190.055, RSMo Supp. 1999, relating to ambulance district board members, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 1284** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman



Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Rohrbach--1		
	Absent--Senator Bland--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1077**, introduced by Representative Relford, entitled:

An Act to repeal section 89.142, RSMo Supp. 1999, relating to peripheral zoning for certain cities.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1077** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Klarich--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1631**, with **SCS**, introduced by Representative Hoppe, entitled:

An Act to repeal sections 311.510 and 311.540, RSMo 1994, and sections 311.070 and 311.485 RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Mathewson.

**SCS** for **HB 1631**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1631

An Act to repeal sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1631** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1631** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--28

NAYS--Senators

Caskey	Childers	Kenney	Russell
Westfall--5			

Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1454**, with **SCS**, introduced by Represen-tative Hoppe, entitled:

An Act to repeal section 260.285, RSMo Supp. 1999, relating to environmental control, and to enact in lieu thereof one new section relating to environmental control tax incentives.

Was called from the Consent Calendar and taken up by Senator Mathewson.

**SCS** for **HB 1454**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1454

An Act to repeal section 260.285, RSMo Supp. 1999, relating to environmental control, and to enact in lieu thereof one new section relating to environmental control tax incentives, with an emergency clause.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1454** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1454** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Rohrbach--1

Absent--Senators

Jacob	Mathewson	Staples--3
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Absent with leave--Senators--None

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 549**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1113**, begs leave to report that

it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

## CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HB 1591**, with **SCS**: Senators Howard, Clay, Staples, Childers and Sims.

Photographers from KY3 were given permission to take pictures in the Senate Chamber today.

### HOUSE BILLS ON THIRD READING

Senator Scott moved that **HB 1808**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

Senator Singleton offered **SA 6**:

### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 3, Section A, Line 4, by inserting after all of said line the following:

"43.080. [The superintendent is authorized and empowered to prescribe policies providing for increases every five years in the salaries of such members beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary.] The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called."; and

Further amend said bill, Page 152, Section 104.010, Line 22, by inserting after all of said line the following:

"104.080. Each member may retire at the end of the month during which such member shall reach normal retirement age with a normal annuity except that any patrolman may retire at age fifty-five with a normal annuity [and shall retire at age sixty]. Notwithstanding any other provisions to the contrary, any member who continues his employment with the transportation department or as a civilian member of the highway patrol after attaining seventy and one-half years

of age shall receive service retirement benefits during the continuation of his employment if and to the extent that payment of such service retirement benefits is required by the Internal Revenue Code of 1986, as amended, and Treasury regulations promulgated thereunder; and such service retirement benefits shall be adjusted annually for additional benefits which shall accrue by reason of such continued employment in accordance with the rules and regulations of the board of trustees."; and

Further amend said bill, Page 192, Section 104.610, Line 5, by inserting after all of said line the following:

"104.1003. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

- (1) "Act", the "Year 2000 Plan" created by sections 104.1003 to 104.1093;
- (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;
- (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;
- (4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;
- (5) "Beneficiary", any person or entity entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;
- (6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;
- (7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;
- (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;
- (9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093;
- (10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system under this chapter as otherwise provided by law;
- (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;
- (12) "Effective date", July 1, 2000;
- (13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand hours per year, provided:
  - (a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;
  - (b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;

(14) "Employer", a department;

(15) "Executive director", the executive director employed by a board established under the provisions of sections 104.1003 to 104.1093;

(16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed;

(17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;

(18) "Investment return", "interest", rates as shall be determined and prescribed from time to time by a board;

(19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty [or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty];

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave; and

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary adjustment pursuant to section 21.140, RSMo;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the transportation department and highway patrol retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Childers, Rohrbach and Scott.

**SA 6** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Rohrbach	Russell
Schneider	Singleton--6		
NAYS--Senators			
Bland	Carter	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
Absent--Senators			
Clay	Maxwell--2		
Absent with leave--Senators--None			

Senator Schneider offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 256, Section 169.670, Line 15 of said page, by inserting immediately after said line the following:

"476.690. 1. Any judge who has become eligible to receive retirement compensation pursuant to section 476.520 and who has elected not to retire and has continued to serve as a judge after August 28, 1995, shall have added to the retirement compensation when the judge retires or dies an amount equal to the total of all annual cost-of-living increases that retired judges received between the time the judge first became eligible to retire and the year the judge actually retires or dies. In no event shall the total increase in compensation granted pursuant to this section and section 476.601 exceed sixty-five percent of the judge's retirement compensation calculated at the time of retirement or death.

2. Any judge who was eligible to retire on August 28, 1995, and elected to continue to serve as a judge after such date, but who retired before August 28, 1996, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the retirement benefit recalculated from the date of the retirement, pursuant to the provisions of subsection 1 of this section.

**3. Any judge who retired prior to August 28, 1995, and who is receiving judicial retirement compensation on September 1, 2000, shall upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the judge's life. Upon request of the board or**

the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the consultant's retirement benefit recalculated as if subsection 1 of this section was in effect on the consultant's date of retirement. Any monthly benefit increases payable pursuant to this subsection shall become effective September 1, 2000. In no event shall the system make any retroactive compensation payments under this subsection."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Howard offered SA 8:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 216, Section 168.021, Line 5, by inserting immediately after said line the following:

"169.060. 1. On and after the first day of July next following the operative date, any member who is sixty or more years of age and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more, or whose creditable service is thirty years or more regardless of age, may retire upon written application to the board of trustees and receive the full retirement benefits on the member's creditable service. Any other member whose creditable service is twenty-five or more years, or who has attained age fifty-five and whose creditable service is at least five years but less than twenty-five years, may retire upon written application to the board of trustees and receive the actuarial equivalent of the benefit to which the member would be entitled if the member was sixty years of age.

2. On and after the first day of July next following the operative date, any member who is teaching in a district included in the retirement system at the time the member becomes disabled, or who has taught in such a district at some time in the twelve months immediately preceding the member becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such teaching, and whose age is less than sixty and whose creditable service in districts included in the retirement system is five years or more, may be retired with disability benefits as provided in sections 169.010 to 169.141 upon written application to the board of trustees, if the member is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, the member's membership status as of the date of the member's disability retirement shall be restored. If the member seeks, before becoming eligible for such retirement allowance, to withdraw the member's accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due the member.

3. Disability, as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such a nature as to warrant the assumption that it will be permanent. Whether or not such disability exists in any case shall be adjudged in the manner provided in subsection 15 of section 169.020 by the board of trustees on the basis of reports made by two or more physicians selected by the board to examine the member. Until the member reaches age sixty, the recipient of a disability retirement allowance may be required to submit to periodic examinations by physicians selected by the board, and if any such examination shows that the recipient is no longer incapable of earning a livelihood in any occupation, the member's disability retirement shall be terminated. **For the purposes of adjustments to Social Security Administration disability benefits pursuant to 20 CFR 404.408 any member receiving disability benefits pursuant to this section who is at least fifty-five years of age and whose creditable service is at least twenty-five years shall be considered to be receiving a normal retirement benefit pursuant to this section.**"; and

Further amend said bill, page 245, Section 169.620, line 9, by inserting the following immediately following said line:



"169.663. 1. On or after July first next following October 13, 1969, any member who is serving an employer included in the system at the time the member becomes disabled, or who has served in such a district at some time in the twelve months immediately preceding the member's becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such service, and whose age is less than sixty and whose creditable service is five years or more, may be retired with disability benefits upon written application to the board of trustees, if the member is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, the member's membership status as of the date of the member's disability retirement shall be restored. If the member dies before becoming eligible for a retirement allowance, or if the member seeks to withdraw the member's accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due the member, the member's beneficiary, or the member's estate.

2. "Disability", as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such nature as to warrant the assumption that it will be permanent. Whether or not such disability exists, in any case, shall be adjudged in the manner provided in subsection 15 of section 169.020 by the board of trustees on the basis of evidence that the board by its regulations may require.

**3. For the purposes of adjustments to Social Security Administration disability benefits pursuant to 20 CFR 404.408 any member receiving disability benefits pursuant to this section who is at least fifty-five years of age and whose creditable service is at least twenty-five years shall be considered to be receiving a normal retirement benefit pursuant to this section."**; and

Further amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 261, Section B, Line 25 of said page, by inserting after the numeral "168.021," the numeral "168.060,"; and

Further amend said bill, Page 262, Section B, Line 1 of said page, by inserting after the numeral "169.620," the numeral "169.663,"; and further amend line 20 of said page, by inserting after the numeral "168.021," the numeral "168.060,"; and further amend said line, by inserting after the numeral "169.620," the numeral "169.663,"; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Caskey offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, page 175, Section 104.372, Line 12 of said page, by inserting after all of said line the following:

"104.374. 1. The normal annuity of a member, other than a member of the general assembly or a member who served in an elective state office, shall be an amount equal to one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of the member. Years of membership service and twelfths of a year are to be used in calculating any annuity. Absences for sickness and injury of less than twelve months or for military service or training under subsection 2 of section 104.330 shall be counted as years of membership service.

2. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed member of the water patrol shall be increased by thirty-three and one-third percent of the benefit.

3. Employees who are fully vested at the age of sixty-five years and who continue to be employed by an agency covered under the system or members of the general assembly who serve in the general assembly after the age of sixty-five years shall have added to their normal annuity when they retire or die an amount equal to the total of all

annual cost-of-living increases that the retired members of the system received during the years between when the employee or member of the general assembly reached sixty-five years of age and the year that the employee or member of the general assembly terminated employment or died. In no event shall the total increase in compensation granted under this subsection and subsection 2 of section 104.612 exceed sixty-five percent of the person's normal annuity calculated at the time of retirement or death.

**4. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third percent of the benefit."**; and

Further amend said bill, Page 192, Section 104.610, Line 5 of said page, by inserting after all of said line the following:

**"10. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 4 of section 104.374 if such person were an active employee or beneficiary of an active employee, such person shall, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases pursuant to subsection 4 of section 104.374."**; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Rohrbach, Scott and Russell.

**SA 9** failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	House	Howard
Maxwell	Russell	Singleton	Staples
Wiggins--9			
NAYS--Senators			
Bentley	Carter	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Yeckel--24
Absent--Senator Clay--1			
Absent with leave--Senators--None			

Senator Mueller offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 256, Section 169.670, Line 15, by inserting after all of said line the following:

"355.561. 1. Unless this chapter, the articles, bylaws, the members acting pursuant to subsection 2 of this section, or the board of directors acting pursuant to subsection 3 of this section, require a greater vote or voting by class, an amendment to a corporation's articles to be adopted must be approved:

(1) By the board if the corporation is a public benefit corporation, **other than a church or a convention or association of churches as described in subsection 6 of this section**, and the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(2) Except as provided in subsection 1 of section 355.556, by the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

(3) In writing by any person or persons whose approval is required by a provision of the articles authorized by section 355.606.

2. The members may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

3. If the board initiates an amendment to the articles or board approval is required by subsection 1 of this section to adopt an amendment to the articles, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or any other basis.

4. If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 355.251. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

5. If the board or the members seek to have the amendment approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

**6. An amendment to the articles of a public benefit corporation, which is a church or a convention or association of churches, to be adopted must be approved:**

**(1) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and**

**(2) In writing by any person or persons whose approval is required by a provision of the articles or bylaws authorized by section 355.606.**

355.596. 1. Unless this chapter, the articles, bylaws, the members acting pursuant to subsection 2 of this section, or the board of directors acting pursuant to subsection 3 of this section, require a greater vote or voting by class, an amendment to a corporation's bylaws to be adopted must be approved:

(1) By the board if the corporation is a public benefit corporation, **other than a church or a convention or association of churches as described in subsection 6 of this section**, and the amendment does not relate to the number of directors, the composition of the board, the term of office of directors, or the method or way in which directors are elected or selected;

(2) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and

(3) In writing by any person or persons whose approval is required by a provision of the articles authorized by section 355.606.

2. The members may condition the amendment's adoption on its receipt of a higher percentage of affirmative votes or on any other basis.

3. If the board initiates an amendment to the bylaws or board approval is required by subsection 1 of this section to adopt an amendment to the bylaws, the board may condition the amendment's adoption on receipt of a higher percentage of affirmative votes or on any other basis.

4. If the board or the members seek to have the amendment approved by the members at a membership meeting, the corporation shall give notice to its members of the proposed membership meeting in writing in accordance with section 355.251. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

5. If the board or the members seek to have the amendment approved by the members by written consent or written ballot, the material soliciting the approval shall contain or be accompanied by a copy or summary of the amendment.

**6. An amendment to the bylaws of a public benefit corporation, which is a church or a convention or association of churches, to be adopted must be approved:**

**(1) By the members by two-thirds of the votes cast or a majority of the voting power, whichever is less; and**

**(2) In writing by any person or persons whose approval is required by a provision of the bylaws authorized by section 355.606."; and**

Further amend said title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 11**:

#### SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 212, Section 104.1090, Line 4, by inserting immediately after said line the following:

**"105.1225. 1. No state agency shall release the personal information of any state employee receiving compensation without the consent of the employee. As used in this section, personal information shall mean the home address and home phone number of the employee.**

**2. This section shall not apply to the following:**

**(1) Any release necessary to comply with any federal law or any specific state law;**

**(2) Releases for authorized use by any federal agency, state agency, court of law or law enforcement agency; and**

**(3) Motor vehicle and driver's license information subject to sections 32.090 and 32.091, RSMo."; and**

Further amend the title and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 11** is out of order as it goes beyond the scope and purpose of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 12**:

#### SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 261, Section 513.430, Line 8, by inserting immediately after said line the following:

**"Section 1. Any member of the general assembly who has served at least fifteen years as a member of the general assembly and attains the age of sixty years or more, and who elects not to retire and continues to serve as a member of the general assembly, shall have added to the retirement compensation when the member dies or retires an amount equal to the total of all annual cost-of-living increases that retired members received between the time the member of the general assembly attains the age of sixty years or more and has fifteen years or more of service as a member of the general assembly, and the date that the member actually retires or dies. In no event shall the total increase in compensation granted pursuant to this section exceed sixty-five percent of the member's retirement compensation calculated at the time of retirement or death.";** and

Further amend the title and enacting clause of said bill accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HB 1808**, as amended, be adopted, which motion prevailed.

Senator Scott was recognized to close on final passage of the bill.

President Pro Tem Quick referred **SS** for **SCS** for **HB 1808**, as amended, to the Committee on State Budget Control.

**HCS** for **HB 1142**, with **SCS**, entitled:

An Act to repeal section 304.200, RSMo Supp. 1999, relating to traffic regulations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Johnson.

**SCS** for **HCS** for **HB 1142**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1142

An Act to repeal sections 407.850 and 407.870, RSMo 1994, and sections 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of farm equipment, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **HCS** for **HB 1142** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1142, Page 1, In the Title, Line 3, by striking "the regulation of farm equipment" and inserting in lieu thereof the following: "motor vehicles"; and

Further amend said bill and page, Section A, Line 4, by inserting after all of said line the following:

"301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

- (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;
- (2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;
- (3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
- (4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;
- (5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;
- (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;
- (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;
- (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;
- (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- (10) "Director" or "director of revenue", the director of the department of revenue;
- (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- (12) **"Dromedary", a truck-tractor designed for drawing other vehicles and which may carry part of a load when operating independently. When attached to a semi-trailer, it supports a part of the weight thereof;**
- (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- [(13)] **(14)** "Fleet", any group of ten or more motor vehicles owned by the same owner;
- [(14)] **(15)** "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- [(15)] **(16)** "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- [(16)] **(17)** "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- [(17)] **(18)** "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- [(18)] **(19)** "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(19)] **(20)** "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

[(20)] **(21)** "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(21)] **(22)** "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

[(22)] **(23)** "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(23)] **(24)** "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(24)] **(25)** "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(25)] **(26)** "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(26)] **(27)** "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(27)] **(28)** "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(28)] **(29)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

[(29)] **(30)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(30)] **(31)** "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

[(31)] **(32)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(32)] **(33)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(33)] **(34)** "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(34)] **(35)** "Motorcycle", a motor vehicle operated on two wheels;

[(35)] **(36)** "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(36)] **(37)** "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(37)] **(38)** "Municipality", any city, town or village, whether incorporated or not;

[(38)] **(39)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(39)] **(40)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(40)] **(41)** "Operator", any person who operates or drives a motor vehicle;

[(41)] **(42)** "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(42)] **(43)** "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(43)] **(44)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(44)] **(45)** "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(45)] **(46)** "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor



vehicle if the motor vehicle could otherwise be so registered;

[(46)] **(47)** "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(47)] **(48)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

[(48)] **(49)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(49)] **(50)** "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

[(50)] **(51)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(51)] **(52)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(52)] **(53)** "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(53)] **(54)** "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

[(54)] **(55)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(55)] **(56)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(56)] **(57)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(57)] **(58)** "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a

semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

[(58)] **(59)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(59)] **(60)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

[(60)] **(61)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(61)] **(62)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

[(62)] **(63)** "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(63)] **(64)** "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(64)] **(65)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(65)] **(66)** "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain."; and

Further amend said bill, Page 2, Section 304.170, Line 32, by inserting after "semitrailer" the following: "**or dromedary and semitrailer**"; and further amend line 35, by inserting after "semitrailer" the following: "**or dromedary and semitrailer**"; and further amend line 37, by inserting after "semitrailer" the following: "**or dromedary and semitrailer**"; and further amend line 38, by striking "which" and inserting in lieu thereof the following: "**such semitrailer**"; and

Further amend said bill and section, Page 3, Line 53, by striking "and" and inserting in lieu thereof a comma ","; and further amend line 54, by striking the following: "having a length not in excess of sixty-five feet".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Jacob assumed the Chair.

Senator Caskey offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1142, Page 7, Section 407.870, Line 24, by adding after all of said line:

**"Section 1. Prior to awarding a contract, the office of administration or the state agency responsible for evaluating a contract for the purchase of goods shall evaluate the bids received according to the criteria and procedures established by the department of agriculture for determining if a product is a biobased product and if a product is a biobased product produced in this state. The office of administration or other agency shall first remove bids that offer supplies that are not biobased products or that will not be produced in this state. From among the remaining bids, the office of administration shall select the lowest responsive and responsible bid, from among the bids that offer biobased products that have been produced this state where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product. If there are two or more qualified bids that offer biobased products that have been produced in this state, it shall be deemed that there is sufficient competition to prevent an excessive price for the product or the acquiring of a disproportionately inferior product. This section applies to all agency procurement offices of this state.";** and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SCS** for **HCS** for **HB 1142**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HCS** for **HB 1142**, as amended, was read the 3rd time and passed by the following vote:

### YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

### NAYS--Senators--None

### Absent--Senators

Carter	Quick	Schneider	Scott
Staples--5			

### Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## PRIVILEGED MOTIONS

Senator Wiggins moved that **SCS** for **SB 719**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 719**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 719

An Act to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **HCS** for **SCS** for **SB 719** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Flotron	Quick	Russell	Scott
Singleton	Staples--6		
Absent with leave--Senators--None			

On motion of Senator Wiggins, **HCS** for **SCS** for **SB 719** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider	Singleton	Staples--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

## HOUSE BILLS ON THIRD READING

**HCS** for **HBs 1386** and **1086**, with **SCS**, entitled:

An Act to amend chapter 570, RSMo, relating to stealing and related offenses by adding thereto one new section relating to financial exploitation of the elderly or disabled, with penalty provisions.

Was taken up by Senator Maxwell.

**SCS** for **HCS** for **HBs 1386** and **1086**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1386 and 1086

An Act to repeal sections 660.250, 660.260 and 660.300, RSMo 1994, and sections 210.903, 210.909, 210.915 and 210.936, RSMo Supp. 1999, relating to care for the elderly or disabled, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **HCS** for **HBs 1386** and **1086** be adopted.

Senator Maxwell offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 7, Section 660.300, Line 34, by striking the following: "9 CSR 30-4.025" and inserting in lieu thereof the following: "**9 CSR 30-4.030**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Steelman offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 9, Section 660.300, Line 88, by inserting after "felony." the following: "**If such person is an in-home services employee and upon a determination of guilt by a court, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department. Penalties collected pursuant to this section shall be deposited as designated in section 198.067, RSMo.**".

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Maxwell, **HCS** for **HBs 1386** and **1086**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

## PRIVILEGED MOTIONS

Senator Caskey moved that **SCS** for **SB 721**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 721**, as amended, entitled:

### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 721

An Act to repeal sections 209.251, 209.253, 209.255, 209.258 and 209.259, RSMo Supp. 1999, relating to telecommunications for persons with disabilities, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 721**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Flotron	Johnson	Staples--3	
Absent with leave--Senators--None			

On motion of Senator Caskey, **HCS** for **SCS** for **SB 721**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following to replace Rep. Franklin on bills in conference: **SCS** for **HCS** for **HB 1105** replace with Rep. Scheve, **SCS** for **HCS** for **HBs 1106 and 1107** replace with Rep. Williams (159), **SCS** for **HCS** for **HB 1108** replace with Rep. Days, **SCS** for **HCS** for **HBs 1109 and 1111** replace with Rep. Lakin, **SCS** for **HCS** for **HB 1110** replace with Rep. Scheve.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 813**, entitled:

An Act to repeal section 85.011, RSMo 1994, and section 590.135, RSMo Supp. 1999, relating to law enforcement officers, and to enact in lieu thereof three new sections relating to the same subject.

With House Amendments Nos. 1, 3, 4, 5, 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10, as amended, and House Amendments Nos. 11, 12, and 13.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 3, Section 650.010, Line 14, by adding after the word "employee" the following: "developmental aide, psychiatric aide, security aide".

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 1, by inserting immediately after the number "85.011." the number "**1.**"; and

Further amend said bill, Page 2, Section 85.011, Line 24, by inserting after all of said line the following:

**"2. Any chief law enforcement officer employed by the state or any political subdivision of the state shall be provided written policies and procedures outlining disciplinary actions and dismissals in regards to such officer's position by the governing body."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 24, by inserting the following at the end of said section:

"306.165. Each water [patrolman] **patrol officer** appointed by the Missouri state water patrol and each of such other employees as may be designated by the patrol, before entering upon his **or her** duties, shall take and subscribe an oath of office to perform [his] **all** duties faithfully and impartially, and shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting [him] all the powers of a peace officer to enforce all laws of this state, upon all of the following:

- (1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4), and (5) of this section;
- (2) All federal land, where not prohibited by federal law or regulation, and state land adjoining the waterways of this state;
- (3) All land within three hundred feet of the areas in subdivision (2) of this section;
- (4) All land adjoining and within six hundred feet of any waters impounded in areas not covered in subdivision (2) with a shoreline in excess of four miles;
- (5) All land adjoining and within six hundred feet of the rivers and streams of this state;
- (6) Any other jurisdictional area, pursuant to the provisions of section 306.167.

Each water [patrolman] **patrol officer** may board any watercraft at any time, with probable cause, for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. Each water [patrolman] **patrol officer** may arrest on view[,] and without a warrant[,] any person he **or she** sees violating or who [he] **such patrol officer** has reasonable grounds to believe has violated any law of this state, upon any water or land area subject to his **or her** jurisdiction as provided in this section. It is further provided that each water [patrolman] **patrol officer** shall be bonded in like manner and amount as sheriffs [under] **pursuant to** section 57.020, RSMo. Each water [patrolman] **patrol officer** shall, within six months after receiving [his] **a** certificate of appointment, satisfactorily complete a law enforcement training course including six hundred hours of actual instruction conducted by a duly constituted law enforcement agency or any other school approved [under] **pursuant to** chapter 590, RSMo. **In addition to the powers previously prescribed in this section, each water patrol officer, while investigating an accident or crime which was originally committed within such patrol officer's jurisdiction as set forth in this section, may arrest any person who he or she has probable cause to believe has committed such crime, even if such person is presently out of the water patrol's jurisdiction."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting the following new section immediate following said line:

"84.610. **1.** Any police officer, policeman or employee adversely affected by any action taken by the chief which he is required to report to the board under the provisions of subdivision (1) of section 84.500 shall have the right to have such action of the chief of police reviewed by the police board upon filing with the secretary of the board within ten days after the effective date of such action a written request for review by said police board. Whereupon the police board shall [grant] **appoint a hearing officer to take evidence in** a public hearing within fifteen days after the filing of such request. The [board] **hearing officer** shall have the power to inquire into all the facts and circumstances pertaining to such action and may compel the attendance of witnesses by subpoena at the request of either the police officer, policeman or employee involved, the chief of police or [any member of the board.] **the hearing officer. The hearing officer shall within thirty days after the public hearing make a report to the board.** The board shall have



the power upon **receiving** such [hearing] **report** to affirm, modify or reverse such action of the chief and may make such orders as the board may deem necessary. The board shall report all decisions in writing to the chief of police and to the officer or employee involved. [Each decision of the police board in such cases shall be final and not subject to review by any court.]".

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 1, by inserting immediately before said section the following:

**"57.1010. As used in sections 57.1010 to 57.1016, the following terms mean:**

**(1) "Full-time", any employee who is designated as full-time by a political subdivision, or any employee who works at least thirty-five hours per week for such political subdivision.**

**(2) "Policeman", any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term "policeman" shall not include:**

**(a) Any civilian employee of a police department; or**

**(b) Any person temporarily employed as a policeman for an emergency;**

**(3) "Salary", the regular remuneration earned by a policeman or sheriff's deputy as an employee of a political subdivision, but not including employer paid fringe benefits except the value of employer paid medical benefits, including dental and vision, for employees, and not including consideration for agreeing to retire or other nonrecurring or unusual payments that are not a part of regular remuneration; the office of administration by its rules may further define salary in a manner consistent with this definition.**

**(4) "Sheriff's deputy", any person contemplated by the terms "deputy" or "deputy sheriff" as used in this chapter.**

**57.1013. 1. There is hereby established in the state treasury the "Policemen and Sheriff's Deputies Trust Fund". The moneys in the fund shall only be used for the purposes as provided in sections 57.1010 to 57.1016. The fund shall consist of moneys required by law to be credited to such fund and moneys appropriated to the fund by the general assembly.**

**2. Beginning in the fiscal year 2002, the general assembly shall appropriate from general revenue to the policemen and sheriff's deputies trust fund an amount necessary to fulfill the minimum salary requirements for policemen and sheriff's deputies in those political subdivisions that meet the criteria described in section 57.1016. The appropriation shall be sufficient to ensure that all qualifying political subdivisions are able to comply with the minimum salary requirements of section 57.1016. The office of administration shall determine, prior to January 1, 2001, those political subdivisions which shall be eligible to receive funds pursuant to sections 57.1010 to 57.1016 during the fiscal years 2002, 2003, and 2004. A qualifying political subdivision shall be eligible to receive funds appropriated pursuant to sections 57.1010 to 57.1016 only during the fiscal years 2002, 2003, and 2004.**

**57.1016. 1. Notwithstanding the provisions of sections 57.201 to 57.251, and sections 84.160 and 84.510, RSMo, beginning with the fiscal year 2002, the minimum salary for all full-time policemen and sheriff's deputies in this state shall be twenty thousand dollars.**

**2. Any political subdivision that, on January 1, 2001, pays any of its full-time policemen or sheriff's deputies less than twenty thousand dollars may, for the fiscal years 2002, 2003, and 2004, use moneys from the policemen and sheriff's deputies trust fund established pursuant to section 57.1013 to increase the salaries of such policemen and sheriff's deputies to a minimum of twenty thousand dollars. Any political subdivision that, prior to January 1, 2001, had paid all of its full-time policemen or sheriff's deputies a salary greater than nineteen**

**thousand nine hundred ninety-nine dollars shall continue to do so without assistance from such fund.**

**3. The office of administration and the department of public safety may issue such rules as may be necessary for the enforcement of sections 57.1010 to 57.1016. No rule or portion of a rule promulgated pursuant to sections 57.1010 to 57.1016 shall become effective unless it is promulgated pursuant to chapter 536, RSMo.**

**4. The provisions of sections 57.1010 to 57.1016 shall terminate on July 1, 2005.";**

And further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting after all of said line the following:

"Section B. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 are hereby enacted, to read as follows:

**Section 1. Sections 1 to 20 of this act shall be known as the "Missouri Law Enforcement District Act".**

**Section 2. As used in sections 1 to 20 of this act, the following terms mean:**

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;**
- (2) "Board", the board of directors of a district;**
- (3) "District", a law enforcement district organized pursuant to sections 1 to 20 of this act.**

**Section 3. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.**

**2. A district is a political subdivision of the state.**

**3. A district may be created in any county of the first classification without a charter form of government and a population of fifty thousand inhabitants or less.**

**Section 4. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.**

**2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities.**

**3. The petition shall set forth:**

- (1) The name and address of each owner of real property located within the proposed district or who is a registered voter resident within the proposed district;**
- (2) A specific description of the proposed district boundaries including a map illustrating such boundaries;**
- (3) A general description of the purpose or purposes for which the district is being formed; and**
- (4) The name of the proposed district.**

**4. In the event any owner of real property within the proposed district who is named in the petition or any legal voter resident within the district shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner or legal voter in the manner**

provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

**Section 5. 1.** Any owner of real property within the proposed district and any legal voter who is a resident within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

**2.** The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.

**3.** Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

**Section 6.** The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 1 to 20 of this act, the petitioners may be reimbursed for such costs out of the revenues received by the district.

**Section 7.** A district created pursuant to sections 1 to 20 of this act shall be governed by a board of directors consisting of five members to be elected as provided in section 8 of this act.

**Section 8. 1.** Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters resident within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of residents of the district.

**2.** The attendees, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election.

**3.** Each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the residents called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

**4.** Directors shall be at least twenty-one years of age.

**Section 9. 1.** The board shall possess and exercise all of the district's legislative and executive powers.

**2.** Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.

**3.** The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the third degree by blood or marriage to a member of the board.

**4.** At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district,

and shall adopt a corporate seal.

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as their faithful discharge may require and may be reimbursed for such director's actual expenditures in the performance of such director's duties on behalf of the district.

Section 10. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 1 to 20 of this act and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state or private sources.

Section 11. 1. If approved by at least four-sevenths of the qualified voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval. The property tax shall be uniform throughout the district.

2. The ballot of submission shall be substantially in the following form:

Shall the ..... Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

Section 12. 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

**3. A district may borrow money for its purposes at such rates of interest as the district may determine.**

**4. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the operation of the district.**

**Section 13. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; provided, however, that any contract providing for the overall management and operation of the district shall only be with a governmental entity or a not for profit corporation.**

**Section 14. In addition to all other powers granted by sections 1 to 20 of this act the district shall have the following general powers:**

**(1) To contract with the local sheriff's department for the provision of services;**

**(2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;**

**(3) To fix compensation of its employees and contractors;**

**(4) To purchase any personal property necessary or convenient for its activities;**

**(5) To collect and disburse funds for its activities; and**

**(6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.**

**Section 15. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.**

**2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.**

**3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.**

**Section 16. 1. The boundaries of any district organized pursuant to sections 1 to 20 of this act may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.**

**2. The boundaries may be changed as follows:**

**(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the**

petition. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in, or removed from, the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 17 of this act. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

Section 17. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 16 of this act, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the boundaries of the ..... Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

[ ] YES [ ] NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend or retract the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.

Section 18. 1. The authority of the district to levy any property tax levied pursuant to section 11 of this act may be terminated by a petition of the voters in the district in the manner prescribed in this section.

2. The petition for termination of authority to tax may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo; or

(2) All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted.

4. If the board deems it for the best interest of the district, it shall grant the petition. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 19 of this act. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

**Section 19. 1. If the petition filed pursuant to section 18 of this act contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 18 of this act, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.**

**2. The question shall be submitted in substantially the following form:**

**Shall the authority of the ..... Law Enforcement District to adopt property taxes be terminated?**

**[ ] YES [ ] NO**

**3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four- sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.**

**Section 20. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 1 to 20 of this act is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 8 of this act, in substantially the following form:**

**Shall ..... (Insert the name of the law enforcement district) Law Enforcement District be dissolved?**

**[ ] YES [ ] NO**

**2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court. If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.**

**3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some**



competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 1 to 20 of this act.

Section C. Because immediate action is necessary to protect the public safety, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE SUBSTITUTE AMENDMENT NO. 2

### FOR HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Lines 16-18, by deleting all of said lines and inserting in lieu thereof the following:

"[has substantially similar or greater procedures] **has adopted a personnel system with an appeals procedure providing for a hearing with a right to subpoena witnesses and evidence, either by ordinance or charter provision**, shall be deemed to be in compliance with this section. This".

### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 24, by inserting the following at the end of said section:

**"221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to the provisions of this section shall be effective unless the commission submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the commission to impose a tax.**

**2. The ballot of submission shall contain, but need not be limited to, the following language:**

**Shall the regional jail district of ..... (counties' names) impose a regionwide sales tax of ..... (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?**

**Yes No**

**If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".**

**If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the ordinance or order and any amendments to such ordinance or order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, then the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal. However, in no event shall a**

proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax; such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be by an appropriation act to be enacted by the commission of each such district. Expenditures may be made from the fund for any functions authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire August 28, 2015."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 50.555, Line 11, by deleting said lines.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 1, by

inserting immediately before said line the following:

50.550.1 The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

**6. Subject to the provisions of Section 50.555 the county commission may create a fund to be known as "The County Crime Reduction Fund.**

7. [6.] The county commission may create other funds as are necessary from time to time.

**50.555.1 A county commission may establish by resolution a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.**

**2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.**

**3. Money from the county crime reduction fund shall only be expended for the following purposes:**

- (1) narcotics investigation, prevention and intervention;**
- (2) payment of rewards through the sheriff's employees;**
- (3) purchase of law enforcement related equipment and supplies for the sheriff's office;**
- (4) matching funds for federal or state law enforcement grants;**
- (5) funding for the reporting of all state and federal crime statistics or information; and**
- (6) any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime fund that is reasonably related to investigation, preparation, trial and disposition of criminal cases before the courts of the State of Missouri.**

**4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state or federal funds.**

**5. County crime reduction funds shall be audited as are all other county funds.**

**558.019.1.** This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of subsections 2 through 5 of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo.. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. For purposes of this section, the phrase "sentence imposed by the court" means the total aggregate sentence actually imposed by the sentencing court.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an-unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

(b) The record of prior offenses by the offender;

(c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

(1) Restitution to any victim for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

- (3) Mandatory community services;
- (4) Work release programs in local facilities; and
- (5) Community based residential and nonresidential programs; and

**8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo. An annual audit of the fund shall be conducted by the county auditor or the state auditor.**

**9.[8.]** The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

**559.021.1.** The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

- (1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and
- (2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

**3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty in a misdemeanor case or finding of guilt in a misdemeanor case, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo.**

[3] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either**

**willfully refused to make the payment or that the defendant willfully, intentionally and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.**

HOUSE AMENDMENT NO. 11

House Committee Substitute for Senate Substitute for Senate Bill No. 813, Pages 2 to 3, Section 590.135, by deleting all of said section and inserting in lieu thereof the following:

"590.100. As used in sections 590.100 to 590.180, the following terms mean:

**(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners and other services which are reasonably necessary for the proper functioning of the court;**

**(2) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers [in this state] or bailiffs;**

**[(2)] (3) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision [thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality] of the state;**

**[(3)] (4) "Commission", when used in relation to a peace officer, bailiff, or law enforcement agency: grant of authority to act as a peace officer or bailiff by appointment, employment, or any other means;**

**(5) "Director", the director of the Missouri department of public safety;**

**[(4)] (6) "Peace officer", [members of the state highway patrol, all] any state, county[, and] or municipal law enforcement [officers] officer possessing the duty and power of arrest for violation of [any criminal laws of the state] the criminal code or for violation of ordinances of counties or municipalities of the state [who serve full time, with pay];**

**[(5)] (7) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search or interrogations;**

**(8) "Reserve peace officer", [any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer] a peace officer regularly working less than thirty hours per week, with or without pay.**

590.101. In any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the definitions contained in section 590.100 shall apply, except that as used in sections 590.100 to 590.180, the following terms shall mean:

**(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners, and other services which are reasonably necessary for the proper functioning of the court;**

**(2) "Nonprimary enforcement activities", activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations;**

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.]

590.105. 1. A program of mandatory standards for the basic training and certification of peace officers [and a program of optional standards for the basic training and certification of reserve officers] in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours [of training and], core curriculum, **and behavioral objectives for such basic training and may establish minimum physical fitness standards for successful completion of basic training.** In no event, however, shall the commission require more than one thousand hours of such training for [either] peace [or reserve] officers [employed] **commissioned** by any state law enforcement agency, or more than six hundred hours of such training for other peace [or reserve] officers; provided, however, that the minimum hours of training **for a peace officer** shall be no lower than **four hundred seventy, with** the following **exceptions**:

(1) [One hundred twenty hours as of August 28, 1993;

(2) Three hundred hours as of August 28, 1994; and

(3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.] **Persons certified as peace officers before August 28, 1993, may retain certification with one hundred twenty hours of basic training;**

**(2) Persons certified as peace officers before August 28, 1994, may retain certification with three hundred hours of basic training;**

**(3) Persons certified as peace officers and commissioned in a county of the third classification before July 1, 2001, may retain certification with one hundred twenty hours of certification, but only if the commissioning political subdivision adopts an order or ordinance to that effect;**

**(4) The peace officer standards and training commission may establish a lesser basic training standard for a limited certification for commission as a reserve peace officer with police powers restricted to the commissioning political subdivision and may place additional restrictions on the powers and duties for which such persons are certified to be commissioned.**

2. Beginning on August 28, 1996, peace officers shall be required to [complete the four hundred fifty hours of training as peace officers and] be certified to be eligible for employment. [Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.]

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has [served] **been commissioned** as a bailiff prior to January 1, 1995, **or who has been commissioned as a peace officer at any time**, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards



implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. [Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7.] The peace officers standards and training commission with input from the department of health and the division of family services shall [provide a minimum of thirty hours of initial education to all prospective law enforcement officers] **include within the required basic training for peace officers**, except for agents of the conservation commission, **a minimum of thirty hours of education** concerning domestic and family violence.

[8.] **6.** The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection [6] **5** of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

[9.] **7.** The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

(a) Physical abuse;

(b) Sexual abuse;

(c) Child fatalities;

(d) Child neglect;

(e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.

**8. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.**

590.110. 1. No person shall be [appointed] **commissioned or hold a commission** as a peace officer [by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of] **or bailiff in** this state, unless he **or she** has **first** been certified by the director as [provided in] **qualified pursuant to the program of minimum standards established pursuant to** sections 590.100 to 590.180, [unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.] **with the following exceptions:**

**(1) No certification shall be required to seek or hold an elected county office;**

**(2) No certification shall be required to be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;**

**(3) Certification shall not be required for any person continually commissioned as a peace officer since the effective date of this section by a political subdivision having either less than four full-time paid peace officers or a population less than two thousand, except that this exception shall not apply to any person commissioned in a county of the first class having a charter form of government;**

**(4) Certification is recommended but shall not be required for any person commissioned as a peace officer before December 31, 1978, and consistently commissioned as a full-time peace officer since that date;**

**(5) Certification is recommended but shall not be required for any reserve peace officer commissioned as a reserve peace officer before August 15, 1988, and such persons may transfer, as reserve peace officers, among similar jurisdictions without losing the benefit of this exception; provided, however, that the peace officer standards and training commission may establish training and certification requirements for such persons and may limit the powers and duties for which such persons may be commissioned;**

**(6) No certification shall be required to serve in a law enforcement capacity without the power of arrest.**

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace [or reserve] officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. [Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon completion of such training program, shall be certified by the director in the same manner as provided for peace officers.] **Any applicant to a certified training academy shall submit a fingerprint card to the training center,**

along with an authorization allowing the director to conduct a criminal history background check to include the records of the Federal Bureau of Investigation. The certified training academy shall forward the fingerprint card and authorization to the director, who shall conduct a criminal history background. The certified training academy and the director may charge the applicant a fee for the cost of the criminal history check. The director may refuse to allow an applicant to complete a certified training course for conduct in violation of section 590.135.

**4. In addition to the satisfactory completion of a basic training course at a certified training academy, the director may require all persons applying for peace officer certification to pass a certification examination. The peace officer standards and training commission may promulgate rules to govern the content and administration of any such examination.**

**5. The director shall have the authority to issue certification to peace officers, federal law enforcement officers, or military police officers from other states or jurisdictions who are seeking certification as peace officers in this state pursuant to the rules promulgated by the peace officer standards and training commission.**

[590.115. 1. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a peace officer who has been consistently employed as a full-time peace officer and was appointed before December 31, 1978, whether or not such officer changes his place of employment.

2. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer who was appointed as a reserve officer prior to August 15, 1988. Requirements for certification of such reserve officers may be determined by the commission. A certified reserve officer may transfer from one similar jurisdiction to another as a certified reserve officer without any additional training requirements unless or until the certified reserve officer becomes or attempts to become a full-time peace officer, at which time the individual must satisfy the requirements of this chapter to become a certified full-time police officer, or unless or until the certified reserve officer attempts to become a certified reserve officer in a jurisdiction wherein the basic training requirement is higher than the previous jurisdiction's basic training requirement, at which time the individual must satisfy the higher basic training requirements of the new jurisdiction to become a certified reserve officer.

3. Except as provided in subsections 1, 2 and 4 of this section, in the event that a peace officer claims to have had prior basic training, the chief executive officer shall furnish to the director evidence that the noncertified officer has satisfactorily completed instruction in a course of basic training for peace officers conducted by a law enforcement training academy or institute which is approved by the director as providing basic training equivalent to standards set for jurisdictions within this state. The basic training course satisfactorily completed by the noncertified officer shall meet the minimum basic training requirements of the jurisdiction in which he is appointed or is to be appointed as required under the provisions of sections 590.100 to 590.180.

4. The director may certify a chief executive officer as qualified under sections 590.100 to 590.180, if the person's employer furnishes the director with evidence that the chief executive officer has training or experience equivalent to the standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI National Academy or its equivalent as determined by the director, or holds a bachelor of science degree in criminal justice or a related field received from an accredited college or university or a doctor of jurisprudence degree received from a college or university approved by the American Bar Association.

5. Peace officers and reserve officers meeting the basic training requirements under sections 590.100 to 590.180 shall be eligible to be certified by the director.

6. Beginning August 28, 1996, the peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each peace officer or reserve officer subject to the training provisions of sections 590.100 to 590.180 shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund

created in section 590.178. The peace officer standards and training commission shall require by rule that all peace officers or reserve officers, subject to the training provisions herein, contribute, based on standards set by the commission, to the cost of said training.

7. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.]

[590.116. 1. Within one year from the date of probationary appointment, the chief executive officer of a law enforcement agency shall furnish to the director evidence that the noncertified officer satisfactorily completed instruction in a course of training for peace officers in a certified training academy or is currently enrolled in a certified training program to be completed with the first year of employment.

2. This section shall expire on August 28, 1995.]

**590.117. 1. The peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each certified peace officer shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178.**

2. The department shall provide by administrative rule for the requirements for continuing certification of an inactive or unemployed peace officer during the term of such inactivity or unemployment, provided that the certification of such peace officers shall expire after five consecutive years of such inactivity or unemployment. **Notwithstanding subsection 1 of this section**, the cost of any continuing law enforcement education and training required to maintain such certification shall be paid by the inactive or unemployed peace officer.

**590.130. [No] 1. Notwithstanding the provisions of subsection 2 of section 590.105 and subsection 1 of section 590.110 to the contrary, the elected county peace officer or official shall be required, within one year after taking office, to be certified [under] pursuant to sections 590.100 to 590.180 to [seek or] hold such office, [but] and must upon completion, file evidence with the director of the department of public safety and all appointive deputies or assistants of such officer or official who are employed as peace officers[, provided that such county has five or more full-time peace officers,] shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified [under the terms of] pursuant to sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.**

**2. Beginning January 1, 2001, any elected county peace officer or official who does not comply with the provisions of subsection 1 of this section may continue to hold such office but is not authorized to participate in any primary enforcement activities as defined in section 590.100. The provisions of section 57.010, RSMo, and this section shall not apply to the sheriff of any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants.**

**590.131. 1. The chief executive officer of each law enforcement agency that commissions any peace officer shall notify the director [of a peace officer's separation from the agency, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.] on a form adopted by the director, if a holder of any certificate issued pursuant to this chapter departs from employment or otherwise ceases to be commissioned by that agency. The departure form shall be submitted within thirty days following the departure or loss of commission.**

**2. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted**

in good faith and without negligence or malice.

3. The notice shall so state if the circumstances surrounding the departure from employment or loss of commission included any of the following:

- (1) The officer was separated for his or her failure to meet the minimum qualifications for employment or appointment as a peace officer;
- (2) The officer was dismissed for violation of municipal, state or federal law;
- (3) The officer was dismissed for violation of the written and distributed regulations of the law enforcement agency.

4. All educational transcripts, test scores, complaints, investigatory reports, and other information retained by the department of public safety pertaining to any person who is certified pursuant to sections 590.100 to 590.180, or to an applicant for such certification are confidential and may not be disclosed to the public or any member of the public, except with written consent of the person whose records are involved. The director shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. The director is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that the director may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. The name, currency of certification, and commissioning agency, if any, of persons certified pursuant to sections 590.100 to 590.180 and the name of applicants for such certification are not confidential information.

590.135. 1. The director or any of [his] **the director's** designated representatives may:

- (1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;
- (2) Issue, suspend or revoke certificates for instructors [under] **pursuant to** the provisions of sections 590.100 to 590.180;
- (3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained [under] **pursuant to** the provisions of sections 590.100 to 590.180.

2. The director may **singly, or in combination, warn, censure, probate**, refuse to issue, [or may] suspend or revoke [any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

- (1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;
- (2) Conviction of a misdemeanor involving moral turpitude;
- (3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;
- (4) Dependence on or abuse of alcohol or drugs;
- (5) Use or possession of, or trafficking in, any illegal substance;
- (6) Gross misconduct indicating inability to function as a peace officer, **which shall include any illegal, unauthorized**

**or unprofessional use or release of criminal history information, criminal intelligence, confidential reports or closed records;**

**(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission.] the certification of any peace officer or bailiff or refuse to admit an initial applicant to a certified training academy for any of the following reasons:**

**(1) The person has been finally adjudicated and found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution, whether or not a sentence has been imposed, for any offense:**

**(a) Reasonably related to the functions or duties for which that person is certified or seeking to be trained;**

**(b) An essential element of which is fraud, dishonesty, an act of violence, intimidation, or harassment; or**

**(c) Involving moral turpitude;**

**(2) Falsification, fraud, deception, misrepresentation or bribery:**

**(a) In securing any certificates, diplomas, other indicia of compliance and qualification pursuant to the provisions of sections 590.100 to 590.180;**

**(b) On any employment application;**

**(c) In records of evidence; or**

**(d) In testimony under oath;**

**(3) Use or possession of, or trafficking in, any illegal substance, or violation of the drug laws, rules or regulations of this state, or any other state or the federal government;**

**(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct, including illegal, unauthorized or unprofessional use or release of criminal history information, criminal intelligence, confidential reports or closed reports;**

**(5) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission;**

**(6) Inability to serve as a certified peace officer or bailiff with reasonable safety and competency because of illness, abuse of alcohol, drugs, narcotics, chemicals, or as a result of any mental or physical condition;**

**(7) Violation of a probation agreement with the department;**

**(8) Final disciplinary action by any state or territory, whether agreed to voluntarily or not, including but not limited to any removal, suspension, limitation, or restriction of certificate for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct or any other act which would constitute a violation of any provision of this chapter.**

**3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.**

**4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.**

**5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer or bailiff not meeting the requirements for certification [under] pursuant to the provisions of sections 590.100 to 590.180. The director may establish minimum educational, age and residency**

**requirements for certification and for entry into a certified training academy.** The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification [under] **pursuant to** the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.

**8. The department may, at its discretion, issue a certification subject to probation for any one or any combination of causes stated in subsection 2 of this section. If the department issues a probationary certification, the recipient may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary certification seeking review of whether cause exists to discipline the certification pursuant to subsection 2 of this section. The department's order of probation shall contain a statement of the conditions of probation imposed, the basis for such conditions of probation, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission.**

**9. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the department's determination shall be considered waived.**

**590.137. 1. Upon receipt of information that a certified peace officer or bailiff may present a clear and present danger to the public health or safety, the director may issue an order suspending or restricting, or suspending and restricting the certification of the peace officer or bailiff if the director believes that the acts, conduct, or condition of the peace officer or bailiff:**

**(1) May have violated subsection 2 of section 590.135; and**

**(2) Constitute a clear and present danger to the public health and safety.**

**2. (1) The order of suspension or restriction:**

**(a) Shall be based on sworn testimony or affidavits presented to the department;**

**(b) May be issued without notice to the peace officer or bailiff and without a hearing;**

**(c) Shall include the facts that lead the department to conclude that the acts, conduct or condition of the peace officer or bailiff constitute a clear and present danger to the public health or safety.**

**(2) The department or the administrative hearing commission shall serve the certificate holder, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the department, a copy of the complaint and the request for expedited hearing, and a notice of the place where and the date upon which the preliminary hearing will be held. When it is not practicable to give the notice of hearing to a certificate holder in person, it may be sent to the certificate holder by certified or registered mail, return receipt requested, at the last mailing address shown in the personnel records of the last known employer. Proof of refusal of the certificate holder to accept delivery or the inability of postal authorities to deliver such mail shall be accepted as evidence that the required notice of hearing has been given.**

**(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.**

- (4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.**
- (5) The peace officer or bailiff may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.**
- 3. The department shall file a complaint with the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the department. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant the request of a peace officer for a continuance of the preliminary hearing; however, the department's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty days after service of the documents required in subdivision (2) of subsection 2 of this section.**
- 4. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the department and shall only hear evidence on the issue of whether the department's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the department's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.**
- 5. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the department within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.**
- 6. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying or dismissing its preliminary order or until the department issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110, RSMo, and subsection 3 of section 590.137.**
- 7. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the proceedings pursuant to this section shall be closed and no order shall be made public until it is final, for purposes of appeal.**
- 8. The burden of proving the elements listed in subsection 2 of this section shall be upon the department of public safety.**

**590.138. Upon application by the department, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from engaging in any practice or business authorized by a certificate, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of the state.**

**590.139. 1. The director may administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records. Subpoenas, including subpoenas duces tecum, shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the department may require sworn copies of such**



documents to be filed with it or delivered to its designated representative.

**2. The department may enforce its subpoenas, including subpoenas duces tecum, by applying to a circuit court of the county of the investigation, hearing or proceeding, or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. The show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If the circuit court after a hearing, determines that the subpoena should be sustained and enforced, the court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.**

**3. In any investigation, hearing or other proceeding to determine a peace officer's or applicant's fitness to serve as a peace officer, any record relating to any peace officer or applicant shall be discoverable by the department and admissible into evidence, regardless of any statutory or common law privilege which such peace officer, applicant, record custodian might otherwise invoke. In addition, no peace officer, applicant or record custodian may withhold records or testimony bearing upon the peace officer's or applicant's fitness to practice on the grounds of privilege between the peace officer, certified reserve officer, applicant or record custodian.**

**4. Any person who reports or provides information to the department, or any person who assists the department, including, but not limited to, applicants, peace officers who are the subject of an investigation or serving on competency panels, record custodians, consultants, attorneys, department members, agents, employees or expert witnesses, in the course of any investigation, hearing or other proceeding conducted by or before the department pursuant to the provisions of this chapter and who does so in good faith and without negligence or malice shall not be subject to an action of civil damages as a result, and no cause of action of any nature shall arise against such person.**

590.140. 1. A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo, and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

**2. Each county and municipality shall use all funds received [under] pursuant to this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies provided that any excess funds not allocated to pay for such training may be used to pay for additional training of peace officers or for training of other law enforcement personnel employed or appointed by the county or municipality. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.**

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come under the provisions of sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected.]

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

590.180. 1. Any person who purposely violates any of the provisions of section 590.110, 590.115 [or 590.175], **590.140 or 590.178** is guilty of a class B misdemeanor.

**2. A person commits a class B misdemeanor if, in violation of sections 590.100 to 590.180, such person knowingly:**

**(1) Commisions or continues the commission of a peace officer or bailiff not certified as such by the director; or**

**(2) Accepts a commission as, or otherwise acts as, a peace officer or bailiff without being certified as such by the director.**

**3. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting the following at the end of said section:

**"Section 1. No local law enforcement agency may adopt a rule requiring residency of its law enforcement officers"; and**

Further amend said title, enacting clause and intersectional references accordingly.

### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting at the end of said section the following:

**"6. The state shall reimburse municipalities for any new or increased activities or service beyond that required by existing law as required by article X, Section 21, of the Missouri Constitution."**

In which the concurrence of the Senate is respectfully requested.

### HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HCS** for **HBs 1386** and **1086**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

**SA 2** was again taken up.

Senator Steelman moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 2**, which was read:

#### SENATE AMENDMENT NO. 1 TO

#### SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 1, Section 660.300, Line 6 after the word "department", by adding: "If it is shown by a preponderance of the evidence that the in-home service provider knew or should have known of the abuse or neglect".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

**SA 2**, as amended, was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 1, Section A, Line 4, by inserting after all of said line the following:

**"43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.**

**2. The department of public safety shall:**

**(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;**

**(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national**

system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) In accordance with the provisions of chapter 536, RSMo, establish such rules and regulations as are necessary for implementing the provisions of this section.

**3. Every law enforcement agency in the state shall:**

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

**4. Any law enforcement agency that violates this section may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes."; and**

Further amend said bill, Page 3, Section 210.936, Line 4, by inserting after all of said line the following:

"375.1312. 1. As used in this section, the following terms mean:

(1) "Domestic violence", the occurrence of **stalking or** one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566, RSMo;

(2) "Family or household member", [a spouse, former spouse, person living with another person, whether or not as spouses, parent or other adult person related by consanguinity or affinity who is residing or has resided with the person committing the domestic violence and dependents of such persons] **spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;**

(3) "Innocent coinsured", an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;

(4) "Sole", a single act or a pattern of domestic violence which may include multiple acts;

(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not

**included within the meaning of "course of conduct".**

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

- (1) Deny, cancel or refuse to issue or renew an insurance policy;
- (2) Require a greater premium, deductible or any other payment;
- (3) Exclude or limit coverage for losses or deny a claim;
- (4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;
- (5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or
- (6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

**5. If an innocent coinsured files a police report and completes a sworn affidavit that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment.**

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices.

455.010. As used in sections 455.010 to 455.085, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected [under] **pursuant to** sections 455.010 to 455.085:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another adult and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to:

- a. Following another about in a public place or places;
- b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
- (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
- (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;
- (2) "Adult", any person eighteen years of age or older or otherwise emancipated **pursuant to sections 454.1200 to 454.1209, RSMo**;
- (3) "Court", the circuit or associate circuit judge or a family court commissioner;
- (4) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
- (5) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, **an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim**, and adults who have a child in common regardless of whether they have been married or have resided together at any time;
- (6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (7) "Order of protection", either an ex parte order of protection or a full order of protection;
- (8) "Petitioner", a family or household member or an adult who has been the victim of stalking, who has filed a verified petition [under] **pursuant to** the provisions of section 455.020;
- (9) "Respondent", the family or household member or adult alleged to have committed an act of stalking, against whom a verified petition has been filed;
- (10) "Stalking" is when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

455.045. 1. Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

- (1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;
- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
  - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
  - (b) Owned, leased, rented or occupied by petitioner individually; or
  - (c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

**(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;**

**(4)** A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased or rented by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit[.]; **or**

**(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium;**

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

**(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.**

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo, whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this



subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims of domestic violence from continuing abuse;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim

tampering under section 575.270, RSMo.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.205. 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [2000] **2001**, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court [under the provisions of section 452.305, RSMo]. The surcharge shall not be charged when [no court costs are otherwise required, and shall not be charged when] costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.

455.220. 1. To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:

(1) Be incorporated in the state as a nonprofit corporation;

(2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;

(3) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;

(4) Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;

(5) Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter **and any information or records that are directly related to the advocacy services provided to such individuals;**

**(6) Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.**

**2. Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter.**

**3. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.**

455.230. 1. A shelter for victims of domestic violence that receives funds pursuant to sections 455.200 to 455.230 shall file an annual report with the designated authority of the county, or of the city not within a county, in which it is

located, on or before the thirty-first day of March of the year following the year in which funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services, and shall include the results of an independent audit. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person. **Any information contained in the report that is directly related to advocacy services provided by the shelter shall not be construed as a violation of section 455.220. Any shelter for victims of domestic violence as defined in this chapter may apply to the department of public safety for a grant to provide funds for the renovation, construction and improvement of such shelter on a 75/25 state/local match rate, subject to appropriation.**

2. The designated authority shall compile the reports filed pursuant to subsection 1 of this section annually.

**3. In addition to any shelter funded under said section, subject to appropriation, the department of social services shall fund a child assessment center to serve the needs of children from families in conflict and from domestic violence to be located in any county of the first classification without a charter form of government with a population of more than one hundred sixty thousand but less than two hundred thousand.**

455.540. As used in sections 455.540 to 455.547, the following terms shall mean:

(1) "Adult", any person eighteen years of age or older;

(2) "Domestic violence", as provided in section 455.200[;

(3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo].

455.543. 1. [In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.] **In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence, as defined in section 455.200.**

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

(1) **If the relationship between the perpetrator and the victim is or was that of a family or household member, as defined in section 455.010;**

(2) Whether the victim **or perpetrator** had previously filed for an order of protection [pursuant to this chapter];

(3) Whether [such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim] **any of the subjects involved in the incident had previously been investigated for incidents of domestic violence;** and

(4) Any other evidence regarding the homicide **or suicide** that assists the agency in making its determination.

3. After making a determination as to whether the homicide **or suicide** is related to domestic violence, the [chief local] law enforcement [officer or his designee shall complete an appropriate form stating whether the homicide was related to domestic violence and which] **agency shall forward the information required within fifteen days to the Missouri state highway patrol on a form or format approved by the patrol. The required information** shall include the [name,] gender and age of the victim, **the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator.** The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all [local] law enforcement agencies by October 1,

[1998] **2000**. Completed forms shall be forwarded to the highway patrol [no later than seven days after a suspect is arrested for the homicide] **without undue delay as required by section 43.500, RSMo; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence.**

455.545. The highway patrol shall compile an annual report of homicides **and suicides** related to domestic violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

**455.550. All full orders of protection issued pursuant to this chapter shall include the Social Security number of the respondent, if known.**

565.063. 1. As used in this section, the following terms mean:

(1) "Domestic assault offense"[,]:

**(a) The commission of the crime of domestic assault in the first degree pursuant to section 565.072 or domestic assault in the second degree pursuant to section 565.073; or**

**(b) The commission of the crime of assault in the first degree[,]** pursuant to the provisions of section 565.050[,]

or assault in the second degree pursuant to the provisions of section 565.060, if the victim of the assault was a family or household member;

(2) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, **an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim**, and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) "Persistent domestic violence offender", a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) "Prior domestic violence offender", a person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior domestic violence offender or persistent domestic violence offender.

4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its

hearing.

5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

8. Nothing in this section shall prevent the use of presentence investigations or commitments.

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

**14. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.**

**15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:**

**(a) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or**

**(b) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender.**

[The provisions of section 375.1312, RSMo, shall become effective on January 1, 1999.]

**565.072. 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member, as defined in section 455.010, RSMo.**

**2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim in which case it is a class A felony.**

**565.073. 1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member, as defined in section 455.010, RSMo, and he or she:**

**(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or**

**(2) Recklessly causes serious physical injury to such family or household member; or**

**(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.**

**2. Domestic assault in the second degree is a class C felony.**

**565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, as defined in section 455.010, RSMo, and:**

**(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or**

**(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or**

**(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or**

**(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or**

**(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or**

**(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.**

**2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.**

**3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members."; and**

Further amend page 1, in the title, lines 3-4, by deleting "relating to care for the elderly and disabled" and insert in lieu thereof, the following: **"relating to the protection of certain persons"**; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Kenney offered **SA 1 to SA 3:**

**SENATE AMENDMENT NO. 1 TO**

**SENATE AMENDMENT NO. 3**

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 21, Section 455.230, Line 15, by inserting after all of said line the following:

**"455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

**(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;**

**(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court; and**

**(3) Nine members of the general public, five of whom shall represent domestic violence providers and one of whom shall represent a state-wide coalition against domestic violence. All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.**

**3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.**

**4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary reporter, and such other officers as it deems necessary.**

**5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.**

**6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**455.305. 1. Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:**

**(1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;**

**(2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;**

**(3) To provide treatment and counseling to victims of domestic violence; and**

**(4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.**

**2. Funding for the pilot programs shall be subject to appropriation.**

**3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined**

in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 1, Section A, Line 4, by inserting after all of said line the following:

"197.400. As used in sections 197.400 to [197.475] **197.477**, unless the context otherwise requires, the following terms mean:

(1) **"Branch office"**, a location or site from which an organization provides services within a portion of the total geographic area served by the parent company. A branch office is part of a company and is located sufficiently close to it to share administration, supervision and services in a manner that renders it unnecessary for the branch to independently meet the requirements of a home care company;

(2) **"Client residence"**, a temporary or permanent domicile of a person receiving home health services, professional services or paraprofessional services;

(3) **"Council"**, the home [health services] **care** advisory council created by sections 197.400 to [197.475] **197.477**;

[(2)] (4) **"Deficiency"**, a statement of a deficit practice;

(5) **"Department"**, the department of health;

(6) **"Home care company"**, any public or private organization or part of an organization that is staffed or equipped to provide home health services, professional services or paraprofessional services;

[(3)] (7) **"Home health [agency] category"**, a category of home care company which is a public [agency] or private organization or [a subdivision or subunit of an agency or organization that provides two or more home health services at the residence of a patient according to a physician's written and signed plan of treatment] **part of an organization that provides home health services and is eligible to be certified as a Medicare provider of home health services, as defined in Title XVIII of the Social Security Act**;

[(4)] (8) **"Home health services"**, any [of the following items and services provided at the residence of the patient on a part-time or intermittent basis: nursing, physical therapy, speech therapy, occupational therapy, home health aid, or medical social service] **services provided at the residence of a client which, at a minimum, meet the standards established pursuant to 42 C.F.R. 484, Medicare Conditions of Participation: Home Health Agencies**;



[(5) "Part-time or intermittent basis", the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any twenty-four-hour period;

(6) "Patient's residence", the actual place of residence of the person receiving home health services, including institutional residences as well as individual dwelling units;

(7)] (9) **"Local public health agency", an organization that promotes preventative health services for all of its citizens and is established by a city or county by appropriating funds from their general revenue taxing authority or pursuant to chapter 70, RSMo, or chapter 205, RSMo;**

(10) **"Paraprofessional home care category", a category of home care company which is any public or private organization or part of an organization that provides paraprofessional services;**

(11) **"Paraprofessional services", personal care-related services provided at the residence of a client by an unlicensed caregiver that are unskilled in nature, may require a physician order, plan of care or service plan, and may include certain limited nursing services as described in state regulation;**

(12) **"Physician", a person licensed by the state board of registration for the healing arts pursuant to the provisions of chapter 334, RSMo, to practice in this state as a physician and surgeon;**

[(8)] (13) **"Plan of [treatment] care", a [plan reviewed and signed as often as medically necessary by a physician or podiatrist, not to exceed sixty days in duration, prescribing items and services for an individual patient's condition] written plan for home health services and professional services based on a client's diagnosis and an assessment of his or her immediate and long-range needs and resources. A plan of care is established in consultation with a home care team that may include a physician, podiatrist, staff members of the company, a client and members of the client's family;**

[(9)] (14) **"Podiatrist", a person licensed by the state board of podiatry pursuant to the provisions of chapter 330, RSMo, to practice in this state as a podiatrist;**

[(10) "Subunit" or "subdivision", any organizational unit of a larger organization which can be clearly defined as a separate entity within the larger structure, which can meet all of the requirements of sections 197.400 to 197.475 independent of the larger organization, which can be held accountable for the care of patients it is serving, and which provides to all patients care and services meeting the standards and requirements of sections 197.400 to 197.475]

(15) **"Professional home care category", a category of home care company which is any public or private organization or part of an organization that provides professional services;**

(16) **"Professional services", services, other than home health services, provided at the residence of a client by a health care professional who is considered by the state as being qualified to provide such services. Such services are provided on a per visit, hourly or shift basis and may require a plan of care, service plan or an order signed by a physician, podiatrist or other practitioner as allowed by state law;**

(17) **"Sanction", actions to be determined by the department and assessed against individuals who have been proven to have violated the provisions of sections 197.400 to 197.477 and which may include, but are not limited to, suspension or revocation of licensure;**

(18) **"Service plan", a written plan for paraprofessional services developed and agreed upon by a client and provider that includes a description of services to be provided and a schedule or frequency of such services;**

(19) **"Supervision", authoritative guidance given by a qualified person, including initial direction and periodic direction or indirect monitoring of services;**

(20) **"Survey inspection", monitoring by the department for compliance with state regulations related to**

**sections 197.400 to 197.477, including investigation of complaints.**

197.405. **1. [No home health agency, including Medicare and Medicaid providers, shall provide two or more of the home health services covered by subdivision (4) of section 197.400 or shall hold itself out as providing such home health services or as a home health agency] No public or private organization or part of an organization shall hold itself out as a home care company or as providing home health services, professional services or paraprofessional services unless it is licensed and registered in accordance with the provisions of sections 197.400 to [197.475] 197.477.**

**2. No person shall establish, conduct or maintain a home care company in this state without maintaining a business location within the state and a valid license issued by the department. A branch office of a licensed home care company shall not require separate licensing.**

**3. The paraprofessional category of a home care company that provides services licensed, certified, regulated or contracted with the division of aging in the department of social services may elect to be regulated by the division of aging and shall be exempt from licensure by the department of health. Any home care company that elects to be exempt from the home care paraprofessional category pursuant to this subsection shall be monitored, regulated and overseen by the division of aging to assure that, regardless of payer source, all individuals receiving paraprofessional services by such company, including individuals who are not clients of the division of aging, are included as a responsibility of the division of aging.**

**4. No person shall interfere with or prevent any authorized representative of the department or the attorney general from enforcing the provisions of sections 197.400 to 197.477.**

197.410. **[1. Persons desiring to receive a license to operate a home health agency in the state of Missouri shall file a written application with the department of health on a form prescribed by the director of the department.**

**2. The application shall be accompanied by a six hundred-dollar license fee] A license shall be renewed annually upon approval by the department if the following conditions are met:**

**(1) An application for renewal is completed on forms provided by the department, filed with the department and accompanied by the required nonrefundable license fee;**

**(2) The company is in compliance with the requirements in sections 197.400 to 197.477, as evidenced by a survey inspection by the department which shall occur prior to initial licensure, once a year for the first three years and at least once every thirty-six months thereafter. Except for the inspection prior to initial licensure, such inspections shall be conducted:**

**(a) Without the prior notification of the company; and**

**(b) At times of the day, on dates and at intervals which do not permit companies to anticipate such inspections;**

**(3) Each initial application for a home care company shall be filed on forms provided by the department and accompanied by the required nonrefundable license fee. Such application must be approved by the department prior to initiating client care.**

**The department of health shall coordinate initial and annual inspections of all home care categories and other inspections when possible.**

197.415. **1. [The department shall review the applications and shall issue a license to applicants who have complied with the requirements of sections 197.400 to 197.475 and have received approval of the department.**

2. A license shall be renewed annually upon approval of the department when the following conditions have been met:

(1) The application for renewal is accompanied by a six-hundred-dollar license fee;

(2) The home health agency is in compliance with the requirements established pursuant to the provisions of sections 197.400 to 197.475 as evidenced by a survey inspection by the department which shall occur at least every thirty-six months for agencies that have been in operation thirty-six consecutive months from initial inspection. The frequency of inspections for agencies in operation at least thirty-six consecutive months from the initial inspection shall be determined by such factors as number of complaints received and changes in management, supervision or ownership. The frequency of each survey inspection for any agency in operation less than thirty-six consecutive months from the initial inspection shall occur and be conducted at least every twelve months;

(3) The application is accompanied by a statement of any changes in the information previously filed with the department pursuant to section 197.410.

3. Each license shall be issued only for the home health agency listed in the application. Licenses shall be posted in a conspicuous place in the main offices of the licensed home health agency.

**4.] If the application review is not completed prior to the expiration of a license and the company is not at fault for the failure to complete the application review process, the department may issue a temporary operating permit of sufficient duration to allow for state review of the home care company's relicensure application.**

**2. Each license shall be issued only for the home care company listed on the application. Such license shall be:**

**(1) Posted in a conspicuous place in the office of the licensed home care company; or**

**(2) Made available for review upon request.**

**3. Any license issued shall state the licensure category or categories for which the license is issued, the name of the home care company to whom it is issued, the expiration date, and any additional information or special limitations that the department may require by rule.**

**4. If a home care company is relocating, the company shall notify the department in writing thirty days prior to the intended relocation. The department may provide written notification to the home care company amending the current license to reflect the new location.**

**5. In lieu of any survey required by sections 197.400 to [197.475] 197.477, the department may accept in whole or in part written reports of the survey of any state or federal agency, or of any professional accrediting agency, such as the joint commission on accreditation of health care organizations and the community health accreditation program, if such survey:**

**(1) Is comparable in scope and method to the department's surveys; and**

**(2) [Is conducted within one year of initial application or within thirty-six months for the renewal of the home health license as required by subdivision (2) of subsection 2 of this section] Meets all required time frames; and**

**(3) Is provided to the department with sufficient documentation to assure that the home care company is in compliance with the requirements in sections 197.400 to 197.477.**

**6. Services provided pursuant to chapter 338, RSMo, shall be excluded from survey inspection.**

197.420. **1.** A license shall not be transferable or assignable. When a home [health agency] **care company** is sold or ownership or management is transferred, or the corporate legal organization status is [substantially] changed, the license of the [agency] **company** shall be voided and a new license obtained. Application for a new license shall be made to the department in writing[, at least ninety days] prior to the effective date of the sale, transfer, or change in

corporate status. The application for a new license shall be on the same form, containing the same information required for an original license, and shall be accompanied by [a license fee of six hundred dollars. The department may issue a temporary operating permit for the continuation of the operation of the home health agency for a period of not more than ninety days pending the survey inspection and the final disposition of the application. The department shall require all licensed home health agencies to submit statistical reports. The content, format, and frequency of such reports shall be determined by the department with council approval] **the required nonrefundable license fee.**

**2. The department may issue a temporary operating permit of sufficient duration to allow the department to evaluate an application for a license submitted as a result of a change in ownership.**

**197.422. The department shall require all licensed home care companies to submit statistical reports. The content, format and frequency of such reports shall be established by the department in conjunction with the home care advisory council and shall not include financial information.**

197.425. In addition to the survey inspection required for licensing or license renewal, the department may [make other survey inspections] **conduct survey inspections** during normal business hours. Each home [health agency] **care company** shall allow the department or its authorized representatives to enter upon its premises during normal business hours for the purpose of conducting the survey [inspection] **inspections.**

197.430. After completion of each department [survey] **inspection**, a written [report] **statement** of the findings with respect to compliance or noncompliance with the provisions of sections 197.400 to [197.475] **197.477** and the standards established hereunder as well as a list of deficiencies found shall be prepared. A copy of the [report] **statement** and the list of deficiencies found shall be served upon the home [health agency] **care company** within fifteen business days following the [survey] inspection. The list of deficiencies shall specifically state the statute or rule which the home [health agency] **care company** is alleged to have violated. If the home [health agency] **care company** acknowledges the deficiencies found by the [survey] inspection, the home [health agency] shall inform the department of the time necessary for compliance and] **care company** shall file a plan of correction with the department **within thirty days of the inspection completion date.** If the [home health agency] **company** does not acknowledge the deficiencies, it [may request a resurvey] **shall request a reinspection** by the department. If, after the [resurvey] **reinspection**, the home [health agency] **care company** still does not agree with the findings of the department, it may seek a review of the findings of the department by the administrative hearing commission **in accordance with chapter 621, RSMo. In case of immediate client jeopardy, immediate sanctions may be imposed.**

197.435. **1.** Any person wishing to make a complaint against a home [health agency licensed under] **care company licensed pursuant to** the provisions of sections 197.400 to [197.475] **197.477** may file the complaint **orally or** in writing with the department setting forth the details and facts supporting the complaint. [If the department determines the charges are sufficient to warrant a hearing to determine whether the license of the home health agency should be suspended or revoked, the department shall fix a time and place for a hearing and require the home health agency to appear and defend against the complaint. A copy of the complaint shall be given to the home health agency at the time it is notified of the hearing. The notice of the hearing shall be given at least twenty days prior to the date of the hearing. The hearing shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 621, RSMo.] **The department shall investigate all complaints and prepare a written statement of the investigative findings with respect to compliance or noncompliance with sections 197.400 to 197.477 and the standards established hereunder, as well as a list of deficiencies found which shall be served upon the home care company within fifteen business days following such investigation. The list of deficiencies shall specifically state the statute or rule which the home care company is alleged to have violated. If the company acknowledges the deficiencies found by the inspection, the company shall file a plan of correction with the department within thirty days of the inspection completion date. If the company does not agree with the findings of the investigation the company may seek a review of such findings by the administrative hearing commission in accordance with chapter 621, RSMo. In cases of immediate client jeopardy, immediate sanctions may be imposed.**

**2. Each employee of a home care company shall be responsible for reporting any evidence of abuse, neglect or**

**exploitation of any client served by the home care company in accordance with state law.**

197.440. 1. The department shall refuse to issue or shall suspend or shall revoke the license of any home [health agency] **care company** for failure to comply with any provision of sections 197.400 to [197.475] **197.477** or with any rule or standard of the department adopted [under] **pursuant to** the provisions of sections 197.400 to [197.475] **197.477** or for obtaining the license by means of fraud, misrepresentation[,] or concealment of material facts.

2. Any home [health agency] **care company** which has **had sanctions imposed**, been refused a license or which has had its license revoked or suspended by the department may seek a review of the department's action by the administrative hearing commission **in accordance with chapter 621, RSMo. A sanction shall be designed to minimize the time between identification of a problem and imposition of such sanction and shall provide for the imposition of incrementally more severe sanctions for repeated or uncorrected problems.**

3. A home care company shall not reapply for licensure for a six-month period following a final action by the department pursuant to this section.

4. A license shall not be issued or renewed if the operator, owner or any principle in the operation of the home care company has been convicted of any offense concerning the operation of a home care company or any offense that is reasonably related to the qualifications, functions or duties of a home care company. Notwithstanding any other provision of law to the contrary, the department shall have access to records involving an operator, owner or any principle in the operation of a home care company applying for or renewing a license pursuant to this chapter, where the applicant has been adjudicated and found guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to the laws of any state or of the United States for any offense reasonably related to the qualifications, functions or duties of any person who operates or owns a home care company licensed pursuant to sections 197.400 to 197.477. The department may deny, suspend or revoke the license of any home care company whose operators, owners or any principles in the operation of the company have been convicted of such an offense.

5. The department shall promulgate rules to waive the restrictions pursuant to subsection 4 of this section for good cause. For purposes of this section, "good cause" means a determination by the department after examining the prior work history and other relevant factors that such operators, owners or principles do not present a risk to the health or safety of clients.

197.445. 1. **The department shall administer the provisions of sections 197.400 to 197.477.** The department may adopt reasonable rules and standards necessary to carry out the provisions of sections 197.400 to 197.477. [The rules and standards adopted shall not be less than the standards established by the federal government for home health agencies under Title XVIII of the Federal Social Security Act. The reasonable rules and standards shall be initially promulgated within one year of September 28, 1983.] **In promulgating regulations for the licensure of home care companies, the department shall establish licensure procedures for a home care category, professional home care category and paraprofessional home care category, with separate and distinct regulations for each of the three licensure categories. All rules shall be initially promulgated within one year of the effective date of this section. The regulations for the professional home care category shall not exceed the Medicaid private duty nursing regulations and the regulations for the paraprofessional category shall not exceed the Medicaid personal care regulations.**

2. The rules and standards adopted by the department pursuant to the provisions of sections 197.400 to 197.477 shall apply to all health services covered by sections 197.400 to 197.477 rendered to any patient being served by a home [health agency] **care company** regardless of source of payment for the service, patient's condition, or place of residence[, at which the home health services are ordered by the physician or podiatrist]. No rule or portion of a rule promulgated pursuant to the authority of sections 197.400 to 197.477 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. All agencies of the state or any of its political subdivisions shall assist and cooperate with the department as necessary to carry out the department's responsibility pursuant to sections 197.400 to 197.477.

197.450. 1. There is hereby created the "Home [Health Services] **Care** Advisory Council", which shall guide, advise and make recommendations to the department relating to the rules and standards adopted and the implementation and administration of sections 197.400 to [197.475] **197.477**.

2. Members of the council shall be residents of this state. The council shall consist of members who shall serve for a term of three years. No member may serve more than two successive full terms. [One member] **Two members** of the council shall be [a representative] **representatives** of the department, and **one** such member shall serve as chairman of the council. [Three members] **One member** shall be [citizens] **a citizen** selected from the state at large and shall have no connection with any home [health agency. Five] **care company. Six** members shall be representatives of [home health agencies and one of these five members shall be selected from each of the following types of home health agencies:

(1) Public sponsored home health agencies;

(2) Institutional sponsored home health agencies;

(3) Voluntary nonprofit home health agencies;

(4) Private nonprofit home health agencies; and

(5) For profit home health agencies] **each of the three home care licensure categories. Each category shall have at least one representative on the council.**

3. All members of the council shall be appointed by the director of the department. The term of office of each member shall be for three years or until his **or her** successor is appointed; except that, of the members first appointed, three shall be selected for one year, three shall be selected for two years, and three shall be selected for three years. Before a member's term expires, the director of the department shall appoint a successor to assume his **or her** duties on the expiration of his **or her** predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

4. The council shall meet not less than [quarterly] **twice** each year, **in person or by telecommunication**, at a place, day and hour determined by the [council] **department**. The council may also meet at such other times and places as may be designated by the chairman, or upon the request of the majority of the other members of the council.

5. Members of the council shall receive no compensation for their services, but shall be reimbursed, out of funds appropriated to the department for that purpose, for their actual and necessary expenses incurred in the performance of their duties.

197.455. The department may file an action in the circuit court for the county in which [any home health agency alleged to be violating the provisions of sections 197.400 to 197.475 resides or may be found] **the home care company is located** for an injunction to restrain the home [health agency] **care company** from continuing the violation **or sections 197.400 to 197.477**.

197.460. 1. The provisions of sections 197.400 to [197.475] **197.477** shall not apply to [individuals who personally provide one or more home health services if such persons are not under the direct control and doing work for and employed by a home health agency.

2. The provisions of sections 197.400 to 197.475 shall not apply to any person or organization conducting a home health agency by and for the adherents of any recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination or sect.

3. The provisions of sections 197.400 to 197.475 shall not apply to any person or other entity which provides services pursuant to subdivision (18) of subsection 1 of section 208.152, RSMo, or provides in-home services pursuant to subdivision (21) of subsection 2 of section 660.050, RSMo] **the following:**

- (1) Any person who is a single self-employed caregiver who provides one or more of the services defined in sections 197.400 to 197.477, when such services are not provided as an employee, or under agreement or contract with a home care company;**
- (2) Any person or other entity operating a home care company by and for the adherents of any recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination or sect;**
- (3) Any person or entity that provides services pursuant to subdivision (18) of subsection 1 of section 208.152, RSMo, or provides in-home services pursuant to subdivision (21) of subsection 2 of section 660.050, RSMo, or provides in-home services pursuant to Title XIX of the Social Security Act, or any service or program authorized by the division of aging;**
- (4) Any person or entity licensed, certified, contracted, employed or operated by the state or its political subdivisions to provide specialized services, including care, treatment, habilitation and rehabilitation exclusively to persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, as defined in section 630.005, RSMo;**
- (5) Any person or entity licensed, certified, contracted, employed or operated by the state to provide home health, paraprofessional or professional services to patients or clients of the division of vocational rehabilitation in the department of elementary and secondary education;**
- (6) The first steps program in the department of elementary and secondary education;**
- (7) Exempt from licensing services provided by a local public health agency not funded by private pay or a third-party payer such as Medicare, Medicaid or health insurance;**
- (8) The services of a provider or program that are regulated by a state regulatory program, other than those administered pursuant to this chapter, may be exempt from licensure pursuant to this chapter if the department determines the other program's regulatory standards are substantially the same or exceed the requirements of this chapter. To be exempted pursuant to this subdivision, a provider or program shall request that the department review the standards under which the provider or program is regulated. The department may require the provider or program to provide any information necessary to determine the comparability of the regulations.**

**2. Nothing in this section shall prohibit any person or entity from applying for a license pursuant to sections 197.400 to 197.477.**

[197.470. All reports or documents collected by the department, or findings and decisions made by the department, under the provisions of sections 197.400 to 197.475, unless declared to be a confidential record under any other provision of law, shall be available to public inspection upon written request. The material requested shall be made available within thirty days after receipt of the request. The department may charge a reasonable fee for the copying of any material.]

**197.474. The provisions of sections 197.400 to 197.477 shall be fully implemented by July 1, 2002.**

197.477. Upon the completion of the final report of an inspection or evaluation of a health facility or agency or any part thereof pursuant to sections 190.235 to 190.249, RSMo, sections 197.010 to 197.120, sections 197.200 to 197.240, or sections 197.400 to 197.475, including any amendments thereto which may hereinafter be enacted by the general assembly or rule or regulation promulgated pursuant thereto, the department of health may disclose to the public reports of the inspections or evaluations showing the standards by which the inspections or evaluations were conducted, whether such standards were met, and, if such standards were not met, in what manner they were not met and how the facility proposed to correct or did correct the deficiencies. All other information whatsoever, including

information and reports submitted to the department of health by governmental agencies and recognized accrediting organizations in whole or in part for licensure purposes pursuant to sections 190.235 to 190.249, RSMo, sections 197.010 to 197.120, sections 197.200 to 197.240, or sections 197.400 to 197.475, collected during such inspections or evaluations or information which is derived as a result of such inspections or evaluations shall be confidential and shall be disclosed only to the person or organization which is the subject of the inspection or evaluation or a representative thereof. **The material requested shall be made available within thirty days after receipt of the request. The department may charge a reasonable fee for the copying of any material.**"; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Sims offered **SA 1 to SA 4:**

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 21, Section 197.460, Line 7, by inserting after "regulations" the following: ";

**(9) Any person or entity licensed pursuant to chapter 338, RSMo. The board of pharmacy shall investigate complaints made against any person or entity licensed pursuant to chapter 338, RSMo, or any employee of such entity. After investigation the board of pharmacy shall refer the results of their investigation to the appropriate professional licensing board for appropriate action. If the complaint is against an unlicensed employee, the board of pharmacy shall handle the entire investigation and take appropriate action. The board of pharmacy shall promulgate rules for any activity or services provided by these persons or entities."**

Senator Sims moved that the above amendment be adopted, which motion prevailed.

**SA 4**, as amended, was again taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1386 and 1086, Page 3, Section 210.936, Line 4, by adding after the end of said line the following:

"565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law.



The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

**(1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded; or**

[(1)] **(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or**

[(2) If the trier does not find that the evidence in aggravation of punishment, including but not limited to evidence supporting the statutory aggravating circumstances listed in subsection 2 of section 565.032, warrants imposing the death sentence; or]

**(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or**

**(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed. If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.**

**5. Upon written agreement of the parties and with leave of court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.**

**6. As used in this section, the term "mental retardation" or "mentally retarded" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with related deficits and limitations in adaptive behavior such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which condition is manifested and documented before eighteen years of age.**

**7. The provisions of this section shall govern offenses committed on or after August 28, 2000."; and**

Further amend the title, enacting clause and intersectional references accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Maxwell moved that **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, be adopted, which motion prevailed.

Senator Maxwell was recognized to close on final passage of the bill.

President Pro Tem Quick referred **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, to the Committee on State Budget Control.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1742**, as amended: Representatives Gaw, Koller, Green, Ostmann and Patek.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1742**, as amended: Senators Mathewson, Staples, Scott, Russell and Westfall.

### **PRIVILEGED MOTIONS**

Senator House moved that the Senate refuse to concur in **HCS** for **SS** for **SB 813**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **RESOLUTIONS**

Senator Schneider offered Senate Resolution No. 1688, regarding Mrs. Margaret L. Davis, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1689, regarding Mrs. Patricia "Pat" Tepen, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 1690, regarding Anthony "Tony" Picarella, Crystal City, which was adopted.

Senator Stoll offered Senate Resolution No. 1691, regarding Richard G. Butchart, Bloomsdale, which was adopted.

Senator Westfall offered Senate Resolution No. 1692, regarding the Future Farmers of America Chapter from Aurora High School, Aurora, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1693, regarding Reverend John Hobratschk, Jefferson City, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Maxwell introduced to the Senate, Hillary Suzanne and Sandra Marie Greenwell, Shelby; and Hillary and Sandra were made honorary pages.

Senator Jacob introduced to the Senate, Mrs. Donald Barnes and Joe Barnes, Moberly.

Senator Howard introduced to the Senate, Cecily Ross, Cape Girardeau; Mayuko Fujita, Dr. Floyd Wright, Mary Pelts Allgood and Tommy Allgood, Kennett; and Mariann Wright; and Cecily and Mayuko were made honorary pages.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. Stephen Segall, M.D. and his wife, Nancy and Sid and Marilyn Roney, Poplar Bluff.

Senator Russell introduced to the Senate, Robert Heagerty, Lebanon.

Senator Russell introduced to the Senate, Joe and Mary Ruth Brooks, Marshfield.

Senator Graves introduced to the Senate, members of the Missouri State Eight-Man Championship Football Team, Mound City.

Senator Mueller introduced to the Senate, Mrs. Madeline Carosello, Mrs. Joann Green, Mrs. Sandra McMillan and fourth grade students from Edgar Road Elementary School, St. Louis County; and Caitlin McCann, Chris Sell, Madeline Harding, Mike Sebelksi, Brady Hanlen and Lauren Ahrens were made honorary pages.

Senator Caskey introduced to the Senate, Monte Olsen, Belton; and Thiago Serrano, Brazil; and Thiago was made an honorary page.

Senator Rohrbach introduced to the Senate, Alexander G. Osipov, Uzbekistan; and Jeanne Schwaller, Jefferson City.

Senator Staples introduced to the Senate, former State Representative Ron Bockenkamp, St. Francois County.

Senator Klarich introduced to the Senate, Judge Larry Davis, his daughter and grandson, and eighteen third and fourth grade students from Crosspoint Christian School.

Senator Singleton introduced to the Senate, Gene Hall, Cheryl Wimpey and Brenda Smith, McDonald County.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 3, 2000.

## SENATE CALENDAR

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SIXTY-FIFTH DAY-WEDNESDAY, MAY 3, 2000

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## FORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 818 & 564-Maxwell

and Kinder, with SCS

SB 955-Mathewson,

et al

SB 1048-Mathewson,

with SCS

SB 866-Klarich

SB 748-Johnson, with SCS

SB 1047-Rohrbach, with SCS

SB 1045-Caskey, with

SCS

SBs 1043, 1031, 580 &

671-Mathewson,

with SCS

## HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with

SCS (Johnson)

(In Budget Control)

2. HS for HB 1615-Hosmer,

with SCS (Caskey)

(In Budget Control)

3. HS for HCS for HBs 1566 &  
1810-Bray,  
with SCS (Scott)  
(In Budget Control)

4. HB 1082-Crump, with  
SCS (Childers)

5. HB 1706-Gambaro,  
et al, with SCS (Clay)

6. HS for HCS for  
HB 1076-Relford,  
with SCS (Stoll)  
(In Budget Control)

7. HS for HB 1603-May  
(108th), with SCS  
(Jacob)

8. HB 1292-Auer, with  
SCS (Jacob)

9. HCS for HB 1434, with  
SCA 1 (Quick)

10. HCS for HB 1113, with  
SCS (Goode)

11. HCS for HB 1120, with  
SCS (Goode)

12. HB 1121-Franklin, with  
SCS (Goode)

13. HB 1122-Franklin, with  
SCS (Goode)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)

SBs 584, 539, 630, 777,

796, 918 & 927-Bentley,

with SCS & SS for SCS

(pending)

SBs 599 & 531-Schneider,

with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with

SCS & SA 1 (pending)

SB 720-Caskey, with SS &

SA 3 (pending)

SB 729-House, with SCS &

SA 8 (pending)

SB 744-Klarich

SB 803-Goode, et al, with

SCS

SBs 807, 553, 574, 614,

747 & 860-Jacob, with

SCS, SS for SCS & SA 2

(pending)

SB 817-Stoll, with SCS

SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5  
(pending)

SB 827-Scott, et al, with  
SS & SA 2 (pending)

SB 930-Jacob, with SCS

SB 957-Johnson and Quick,  
with SCS, SA 2, SSA 1  
for SA 2 & SA 3 to SSA  
1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,  
with SS, SA 2 & point  
of order (pending)

SJR 45 & 41-House, with  
SCS (pending)

SJR 46-Goode, et al, with  
SCS (pending)

SJR 47-Quick, et al, with  
SCS, SS for SCS, SA 1,  
SSA 1 for SA 1 & point  
of order (pending)

## HOUSE BILLS ON THIRD READING

SS for SCS for HB 1808

(Scott)

(In Budget Control)

SCS for HCS for HBs 1386

& 1086 (Maxwell)

(In Budget Control)

HS for HCS for HJR 61-Van

Zandt, with SCS, SA 1

& SA 7 to SA 1 (pending)

(Quick)

## CONSENT CALENDAR

### Senate Bills

Reported 2/15

SB 740-Wiggins

### House Bills

Reported 4/10

SCS for HB 1604-Graham

(106th) (Johnson)

(In Budget Control)



Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/12

HB 1659-Summers, with  
SCS (Maxwell)

HB 1486-Abel, et al (Stoll)

HB 1647-Skaggs (Quick)

HB 1097-Hosmer, with SCS  
(Caskey)

HB 1428-Hickey, et al,  
with SCAs 1, 2 & 3  
(DePasco)

HB 1739-Auer, with SCS  
(Jacob)

HB 1544-Smith (Mueller)

Reported 4/13

HB 1848-Treadway, with  
SCS (Carter)

HB 1568-Riback Wilson and  
Holand, with SCS (Jacob)

HB 1596-Auer (Clay)

HB 1875-Franklin, with

SCA 1 (Wiggins)

HB 1396-Farnen, with SCS

(Johnson)

HB 1363-Bray, et al

(Quick)

HB 1948-Gratz, et al,

with SCS (Staples)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 881-Wiggins, with HS

for HCS, as amended

#### BILLS IN CONFERENCE AND BILLS

#### CARRYING REQUEST MESSAGES

#### In Conference

HCS for HB 1102, with SCS,

as amended (Goode)

HCS for HB 1103, with SCS,

as amended (Goode)

HCS for HB 1104, with SCS

(Goode)

HCS for HB 1105, with SCS,

as amended (Goode)

HCS for HB 1106, with SCS,

as amended (Goode)

HCS for HB 1107, with SCS,

as amended (Goode)

HCS for HB 1108, with SCS

(Goode)

HCS for HB 1109, with SCS

(Goode)

HCS for HB 1110, with SCS,

as amended (Goode)

HCS for HB 1111, with SCS,

as amended (Goode)

HCS for HB 1112, with SCS,

as amended (Goode)

HB 1591-Backer, with SCS

(Howard)

HS for HCS for HB 1742-

Koller, with SCS, as

amended (Mathewson) Requests to Recede or Grant Conference

SS for SB 549-Quick,

et al, with HS for HCS,

as amended

(Senate requests House  
recede or grant conference)  
SS for SB 813-House, with  
HCS, as amended  
(Senate requests House  
recede or grant conference)

## RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

SCR 44-Quick

To be Referred

HCR 29-Graham

Reported from Committee

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House  
(In Budget Control)



# Journal of the Senate

SECOND REGULAR SESSION

**SIXTY-FIFTH DAY--WEDNESDAY, MAY 3, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"....even so we also should walk in newness of life." (Romans 6:4)

Gracious God, we know the motto which says: "Today is the first day of the rest of your life." Help us approach this day as new and capable of bringing new energy and thought to what confronts us this day. Help us not think of today as another typical series of yesterdays which show little progress but rather an opportunity to accomplish more and grow from the experience. Keep us from falling into the ruts of sameness by showing faithfulness in the decisions we make today. In Your Holy Name, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

Senator Johnson assumed the Chair.

## RESOLUTIONS

Senators Flotron and Sims offered Senate Resolution No. 1694, regarding the Honorable David W. Farquharson, Hazelwood, which was adopted.

Senator Sims offered Senate Resolution No. 1695, regarding Jeremy D. Miller, Overland, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that Rep. Franklin will replace Rep. Scheve on **SCS** for **HCS** for **HB 1105** and **SCS** for **HCS** for **HB 1110**, replace Rep. Williams (159) on **SCS** for **HCS** for **HB 1106** and **SCS** for **HCS** for **HB 1107**, replace Rep. Days on **SCS** for **HCS** for **HB 1108**, replace Rep. Lakin on **SCS** for **HCS** for **HB 1109** and **SCS** for **HCS** for **HB 1111**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1591**: Representatives Backer, Hoppe, Days, Griesheimer and Richardson.

## PRIVILEGED MOTIONS

Senator Wiggins moved that the Senate refuse to concur in **HS** for **HCS** for **SB 881**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## HOUSE BILLS ON THIRD READING

**HB 1659**, with **SCS**, introduced by Representatives Summers and Berkowitz, entitled:

An Act to amend chapter 94, RSMo, relating to sales taxes for economic development by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

**SCS** for **HB 1659**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### HOUSE BILL NO. 1659

An Act to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to sales taxes, and to enact in lieu thereof four new sections relating to the same subject with an emergency clause for a certain section.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 1659** be adopted.

Senator Rohrbach requested unanimous consent of the Senate to suspend Senate Rule 45 for the purpose of offering an amendment, which request was granted.

Senator Rohrbach offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1659, Page 1, Section 67.1003, Lines 6-8, by deleting all of

said lines and inserting in lieu thereof the following: "classification with a population of [less than seven thousand three hundred fifty and having an assessed valuation of less than forty-nine million dollars] **more than seven thousand but less than seven thousand four hundred inhabitants** may impose a tax on the charges for all sleeping rooms".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SCS** for **HB 1659**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 1659**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Graves-- 1			
Absent--Senators			
Bland	Ehlmann	Scott--3	
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Clay	Ehlmann-- 3	
Absent with leave--Senators--None			

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1647**, introduced by Representative Skaggs, entitled:



An Act to amend chapter 77, RSMo, relating to third class cities, by adding thereto one new section relating to capital improvement reserve funds in third class cities.

Was called from the Consent Calendar and taken up by Senator Quick.

On motion of Senator Quick, **HB 1647** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1097**, with **SCS**, introduced by Represen-tative Hosmer, entitled:

An Act to repeal section 537.340, RSMo 1994, relating to trespass, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

**SCS** for **HB 1097**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1097

An Act to repeal section 537.340, RSMo 1994, relating to trespass, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HB 1097** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 1097** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Stoll--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1428**, with **SCAs 1, 2 and 3**, introduced by Representative Hickey, et al, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to a permanent memorial for workers killed or injured on the job.

Was called from the Consent Calendar and taken up by Senator DePasco.

**SCA 1** was taken up.

Senator DePasco moved that the above amendment be adopted.

At the request of Senator DePasco, the above motion was withdrawn.

President Wilson assumed the Chair.

**HB 1739**, with **SCS**, introduced by Represen-tative Auer, entitled:

An Act to repeal section 376.300, RSMo Supp. 1999, relating to life insurance companies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

**SCS** for **HB 1739**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 1739

An Act to repeal section 376.300, RSMo Supp. 1999, relating to life insurance, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Jacob moved that **SCS** for **HB 1739** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HB 1739** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Kinder	Mathewson	Staples--3	
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Singleton--1			
Absent--Senators			
Bentley	Schneider--2		
Absent with leave--Senators--None			

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1544**, introduced by Representative Smith, entitled:

An Act to repeal section 355.661, RSMo 1994, relating to authorized distributions by not-for-profit corporations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mueller.

On motion of Senator Mueller, **HB 1544** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	Quick	Schneider--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS for HB 1113, with SCS, entitled:**

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2000, and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS for HCS for HB 1113, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1113

An Act to appropriate money for real property leases, real property lease purchases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2000, and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 1113** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS for HCS for HB 1113** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley  
Childers  
Flotron  
Howard  
Kinder  
Mueller  
Scott  
Steelman  
Yeckel--33

Bland  
Clay  
Goode  
Jacob  
Klarich  
Rohrbach  
Sims  
Stoll

Carter  
DePasco  
Graves  
Johnson  
Mathewson  
Russell  
Singleton  
Westfall

Caskey  
Ehlmann  
House  
Kenney  
Maxwell  
Schneider  
Staples  
Wiggins

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS for HB 1120, with SCS, entitled:**

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

Was taken up by Senator Goode.

**SCS for HCS for HB 1120, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1120

An Act to appropriate money for planning, expenses, grants, and for capital improvements including but not limited to major additions and renovations, new structures, and land improve-ments or acquisitions.

Was taken up.

Senator Goode moved that **SCS for HCS for HB 1120** be adopted.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1120, Page 5, Section 20.100, Lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

"For the Department of Social Services

For the design, construction, improvements and land acquisition of a St. Louis youth services facility and land

acquisition shall be contiguous with the real property parcel donated by the City of St. Louis and land acquisition shall be bounded by Hamilton Avenue on the east, rear of Kennerly Avenue property on the south, St. Louis Avenue on the north and parallel with the donated property to the west".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1120, Page 5, Section 20.100, Line 5, by adding the following:

"Section 20.106. To the Department of

Transportation

There is transferred out of the State Treasury

chargeable to General Revenue.....\$25,000,000".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 2** was withdrawn.

Senator Johnson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 1120**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 1120**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Bland--1		
	Absent--Senators		
Jacob	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1121**, with **SCS**, introduced by Represen-tative Franklin, entitled:

An Act to appropriate money for expenses, grants, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up by Senator Goode.

**SCS** for **HB 1121**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1121

An Act to appropriate money for expenses, grants, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2000 and ending June 30, 2001.

Was taken up.

Senator Goode moved that **SCS** for **HB 1121** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 1121** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1122**, with **SCS**, introduced by Represen-tative Franklin, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to

transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

Was taken up by Senator Goode.

**SCS** for **HB 1122**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR

### HOUSE BILL NO. 1122

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

Was taken up.

President Pro Tem Quick assumed the Chair.

Senator Goode moved that **SCS** for **HB 1122** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 1122** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

#### NAYS--Senators--None

Absent--Senator Sims--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1967**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

## SENATE COMMITTEE AMENDMENT NO. 1



Amend House Committee Substitute for House Bill No. 1967, Page 1, In the Title, Line 5, by striking the following: "and 72.423" and inserting in lieu thereof the following: ", 72.423 and 72.424"; and further amend line 6, by striking the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 4, by striking the following: "and 72.423" and inserting in lieu thereof the following: ", 72.423 and 72.424"; and further amend said line, by striking the word "thirteen" and inserting in lieu thereof the word "fourteen"; and further amend line 6, by striking the following: "and 72.423" and inserting in lieu thereof the following: ", 72.423 and 72.424"; and

Further amend said bill, Page 16, Section 72.723, Line 36, by inserting after all of said line the following:

"72.424. Notwithstanding any other provisions of sections 72.400 to [72.422] **72.423**, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being [of the third classification] **a constitutional charter city** with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, [1999] **2000**. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, [2000] **2001**."

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1452**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HBs 1652 and 1433**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3, 4, 5 and 6.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 8, Section 407.931, Line 12, by inserting immediately before the period "." the following: "**or on any machine located within the unobstructed line of sight of an adult responsible for preventing persons less than eighteen years of age from purchasing any tobacco product from such machine**".

#### SENATE COMMITTEE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 10, Section 407.934, Line 1, by inserting immediately after the word "products" the following: "**in any establishment located in this state**".

#### SENATE COMMITTEE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 11, Section 2,

Lines 1-4, by deleting all of said section from the bill; and

Further amend the title and enacting clause accordingly.

#### SENATE COMMITTEE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 6, Section 149.071, Line 102, by inserting immediately after said line the following:

**"11. The provisions of subsections 2 through 10 of this act shall not apply to cigarettes for which payments are made pursuant to sections 196.1000 through 196.1003, RSMo. The director of the department of revenue shall certify those cigarettes for which payment is made."**

#### SENATE COMMITTEE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 6, Section 407.926, Lines 1-6, by striking all of said lines and inserting in lieu thereof the following:

**"407.926. 1. Any person who sells or distributes tobacco products by mail or through the Internet to persons in this state shall deny the sale of such tobacco products to any person who the seller has reason to believe is less than eighteen years of age.**

**2. Any person or entity who sells or distributes tobacco products in violation of subsection 1 of this section shall be subject to the penalties and fines imposed for such violations pursuant to section 407.031.**

**3. Any person or entity that sells tobacco products by mail or through the Internet and uses a delivery service where the age of the recipient of such products is verified by the delivering agent to be eighteen years or older shall be deemed in compliance with the provisions of this section."; and**

Further amend the title and enacting clause accordingly.

#### SENATE COMMITTEE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 8, Section 407.931, Line 25, by inserting immediately after the word "offense" the following: **"within five years"**; and further amend line 26, by inserting immediately after the word "offense" the following: **"within ten years"**; and further amend line 27, by inserting immediately after the word "offense" as it appears the first time the following: **"within ten years"**; and further amend said line, by inserting immediately after the word "offense" as it appears the second time the following: **"within ten years"**.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1677, 1675 and 1676**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HB 1238**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HCS** for **HB 1797**, begs leave to

report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 1797, Page 2, Section 303.406, Lines 4-7, by striking all of said lines; and

Further amend said bill and section, Page 3, Lines 8 to 10, by striking said lines and inserting in lieu thereof a period "."; and further amend line 11, by striking the word "may" and inserting in lieu thereof "**shall**"; and further amend lines 11 and 12, by striking "September 1, 2000" and inserting in lieu thereof the following: "**July 1, 2001**"; and

Further amend said bill, Page 6, Section 303.412, Line 1, by striking "2001" and inserting in lieu thereof "**2002**"; and

Further amend said bill, Page 7, Section 303.415, Line 2, by striking "September 1, 2000" and inserting in lieu thereof the following: "**July 1, 2001**"; and further amend line 2, by striking "2005" and inserting in lieu thereof "**2006**"; and further amend lines 4 and 5, by striking "September 1, 2000" and inserting in lieu thereof the following: "**July 1, 2001**"; and further amend line 5, by striking "2005" and inserting in lieu thereof "**2006**".

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HBs 1172, 1501, 1633, 1440, 1634, 1177 and 1430**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HS** for **HCS** for **HB 1762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HCS** for **HB 1144**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HJR 43**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HS** for **HCS** for **HB 1481**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1644**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1215** and **1240**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1768**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1454** and has again taken up and passed **SCS** for **HB 1454**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1631** and has again taken up and passed **SCS** for **HB 1631**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCS**, as amended, to **HCS** for **HB 1142** and has again taken up and passed **SCS** for **HCS** for **HB 1142**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 813**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SB 549**, as amended, and grants the Senate a conference thereon.

### REFERRALS

President Pro Tem Quick referred **HCR 29** to the Committee on Rules, Joint Rules and Resolutions.

### CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 549**, as amended: Senators Quick, Scott, Staples, Klarich and Flotron.

### SENATE BILLS FOR PERFECTION

At the request of Senator Maxwell, **SB 818** and **SB 564**, with **SCS**, were placed on the Informal Calendar.

**SB 955** was placed on the Informal Calendar.

**SB 1048**, with **SCS**, was placed on the Informal Calendar.

**SB 866** was placed on the Informal Calendar.

**SB 748**, with **SCS**, was placed on the Informal Calendar.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

### **CONFERENCE COMMITTEE**

#### **APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 813**, as amended: Senators House, Clay, Stoll, Steelman and Klarich.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 813**, as amended: Representatives Kissell, Britt, McLuckie, Dolan and Barnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1102** and has taken up and passed **CCS** for **HB 1102**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1103** and has taken up and passed **CCS** for **HB 1103**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1104** and has taken up and passed **CCS** for **HB 1104**.

### **HOUSE BILLS ON THIRD READING**

Senator DePasco moved that **HB 1428**, with **SCAs 1, 2, and 3**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCA 1** was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator DePasco, **HB 1428**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Clay--3	
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Clay	Ehlmann--3	
Absent with leave--Senators--None			

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 1047**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1047**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1047

An Act to repeal section 565.030, RSMo 1994, relating to certain criminal procedures, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 1047** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1047, Page 3, Section 565.030, Line 70, by inserting after all of said line the following:

"650.055. 1. Every individual convicted in a Missouri circuit court, of a felony, defined as a violent offense under chapter 565, RSMo, or as a sex offense under chapter 566, RSMo, excluding sections 566.010 and 566.020, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

(1) Upon entering the department of correction's reception and diagnostic centers; or

(2) Before release from a county jail or detention facility; or

(3) If such individual is under the jurisdiction of the department of corrections on or after August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

**Any evidence leading to a conviction of a felony described in this subsection which has been or can be tested for DNA shall be preserved by the Missouri state highway patrol.**

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody of those convicted of the felony which shall not be set aside or reversed, is hereby made mandatory.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA data bank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

5. Implementation of section 650.050 and this section shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA data bank system.

6. A defendant convicted of any felony listed in subsection 1 of this section may make a motion before the trial court that entered the judgment of conviction in his or her case for DNA testing on the defendant and on evidence that was secured in relation to the trial which resulted in the conviction. The defendant shall serve notice of the motion upon the prosecuting attorney of the county in which the conviction occurred. The defendant shall present a prima facie case that identity was a contested issue in the defendant's trial. If the defendant establishes a prima facie case, and the trial court determines that the results of the testing have the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence, the trial court shall order the state to compare DNA test results regarding the trial evidence and the defendant."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

At the request of Senator Rohrbach, **SB 1047**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

**PRIVILEGED MOTIONS**

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1102**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 1102**

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 1102.
- 3. That the attached Conference Committee Substitute for House Bill No. 1102, be truly agreed to and finally passed.

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Steve Gaw  
/s/ Scott B. Lakin  
/s/ Ken Legan  
/s/ Daniel J. Hegeman

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich



Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Johnson--2		
	Absent with leave--Senators--None		

Senator Wiggins assumed the Chair.

On motion of Senator Goode, **CCS** for **HB 1102**, entitled:

## CONFERENCE COMMITTEE SUBSTITUTE

### FOR HOUSE BILL NO. 1102

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Johnson--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1103**, as amended, submitted the following conference committee report:

## CONFERENCE COMMITTEE REPORT ON

### HOUSE BILL No. 1103

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No.1103, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No.1103.
2. That the House recede from its position on House Committee Substitute for House Bill No.1103.
3. That the attached Conference Committee Substitute for House Bill No. 1103, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Scott B. Lakin  
/s/ Ken Legan  
/s/ Daniel J. Hegeman

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Johnson	Quick	Schneider--4
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 1103**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL No. 1103

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey

Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Johnson	Rohrbach	Schneider--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1104**, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON

#### HOUSE BILL No. 1104

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1104.
3. That the attached Conference Committee Substitute for House Bill No. 1104, be truly agreed to and finally passed.

#### FOR THE SENATE:

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

#### FOR THE HOUSE:

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Timothy P. Green  
/s/ Ken Legan  
/s/ Chuck Gross

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Johnson	Quick	Singleton--4
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 1104**, entitled:

## CONFERENCE COMMITTEE SUBSTITUTE FOR

### HOUSE BILL No. 1104

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Johnson	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1105** and has taken up and passed **CCS** for **HB 1105**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1120**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

### **REPORTS OF STANDING COMMITTEES**

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SCR 40**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **HB 1604**; **HS** for **HCS** for **HBs 1566** and **1810**, with **SCS**; and **HS** for **HCS** for **HB 1076**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HB 1808**, begs leave to report that it has con-sidered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

### **SENATE COMMITTEE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 261, Section 513.430, Line 8 of said page, by inserting immediately after said line the following:

**"Section 1. The provisions of section 169.596, RSMo, shall apply to contract years beginning on and after July 1, 2002, and ending on or before June 30, 2005.";** and

Further amend the title and enacting clause accordingly.

### **PRIVILEGED MOTIONS**

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1120**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1105**, as amended, submitted the following conference committee report:

### **CONFERENCE COMMITTEE REPORT ON**

#### **HOUSE BILL No. 1105**

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105.

2. That the House recede from its position on House Committee Substitute for House Bill No. 1105.
3. That the attached Conference Committee Substitute for House Bill No. 1105, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Timothy P. Green  
/s/ Ken Legan  
/s/ Daniel J. Hegeman

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 1105**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1105An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Mathewson--1  
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Johnson moved that **SCS** for **HB 1604** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HB 1604** was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

#### NAYS--Senators--None

Absent--Senators--None  
Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

#### NAYS--Senators--None

Absent--Senator Ehlmann--1  
Absent with leave--Senators--None

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HB 1808**, as amended, with **SCA 1**, be taken up for third reading and final passage, which motion prevailed.

**SCA 1** was taken up.

Senator Scott moved that the above amendment be adopted.

Senator Scott offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO.1 FOR  
SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 1, In the Title, Line 22 of said title, by inserting immediately after the word "clause" the following: "for certain sections and a termination date"; and

Further amend said bill, page 262, Section B, line 23 of said page, by inserting immediately after said line the following:

"Section C. Section 169.596 shall terminate on June 30, 2003.".

Senator Scott moved that the above substitute amendment be adopted, which motion prevailed.

**PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Scott moved that the vote by which **SS** for **SCS** for **HB 1808**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Ehlmann	House	Kinder--3
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Absent with leave--Senators--None

Senator Johnson assumed the Chair.

**SS** for **SCS** for **HB 1808**, as amended, was again taken up.

**PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Scott moved that the vote by which **SA 3** was adopted be reconsidered,



which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	House	Kinder--3	
	Absent with leave--Senators--None		

**SA 3** was again taken up.

Senator Scott offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1808, Page 256, Section 169.670, Line 15 of said page, by inserting immediately after said line the following:

**"173.003. Retirement, severance and associated salary continuance policies and plans of approved public institutions, as defined in section 173.205, shall be applied uniformly, consistently and fairly to all similarly situated officials and employees of such approved public institutions; and no employee or official shall be singled out for retirement or severance benefits which are inconsistent with the formally adopted policies and plans of such approved public institutions.";** and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above substitute amendment be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HB 1808**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HB 1808**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Caskey	Rohrbach	Russell	Singleton--4
	Absent--Senators		

Quick  
Staples--2  
Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

  

NAYS--Senators			
Caskey	Kenney	Russell	Singleton--4

Absent--Senator Staples--1  
Absent with leave--Senators--None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

At the request of Senator Scott, **HS** for **HCS** for **HBs 1566** and **1810**, with **SCS**, was placed on the Informal Calendar.

**HB 1082**, with **SCS**, introduced by Represen-tative Crump, entitled:

An Act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Childers.

**SCS** for **HB 1082**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### HOUSE BILL NO. 1082

An Act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Stoll assumed the Chair.

Senator Childers moved that **SCS** for **HB 1082** be adopted.

Senator Jacob offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1082, Page 1, Section 12.010, Line 7, by striking all of said lines and inserting in lieu thereof the following: "**for Native American/Indian gaming**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Childers, **HB 1082**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### CONCURRENT RESOLUTIONS

Senator Quick moved that **SCR 44** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SCR 44** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Singleton--1		
	Absent with leave--Senators--None		

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

E. Gail McCann Beatty, Democrat, 6012 Woodland Avenue, Kansas City, Jackson County, Missouri 64110, as a member of the Tourism Commission, for a term ending January 15, 2003, and until her successor is duly appointed and qualified; vice, Kathleen Tucker, term expired.

Respectfully submitted,

MEL CARNAHAN

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

### REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HBs 1652 and 1433**, with **SCAs 1, 2, 3, 4, 5 and 6**; **HS** for **HCS** for **HBs 1677, 1675 and 1676**, with **SCS**; **HS** for **HCS** for **HB 1797**, with **SCA 1**; **HS** for **HCS** for **HB 1762**, with **SCS**; **HS** for **HCS** for **HB 1481**; and **HS** for **HCS** for **HBs 1215 and 1240**, with **SCS**, to the Committee on State Budget Control.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1106** and has taken up and passed **CCS** for **HB 1106**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1107** and has taken up and passed **CCS** for **HB 1107**.

### REPORTS OF STANDING COMMITTEES

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1326**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1326, Page 1, In the Title, Line 2, by striking "section" and inserting in lieu thereof the following: "sections 91.210 and"; and further amend line 3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, Section A, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

"Section A. Sections 91.210 and 386.570, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 91.210 and 386.570, to read as follows:

91.210. **1.** All the provisions of sections 91.010 to 91.300, 91.450 to 91.540, 91.600 and 91.610, which concern the purchase of waterworks, shall apply, so far as the same are applicable, to the erection, **acquisition, condemnation, operation** or purchase of electric light plants, gas plants, ice plants or other lighting plants, **but nothing in this section shall be construed to give any city any condemnation authority otherwise prohibited by section 71.525, RSMo.**

**2.** For purposes of this section, "gas plant" includes all real estate, fixtures and personal property owned, operated, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power.".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1326, Page 1, In the Title, Line 3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, section A, line 1, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and further amend line 2, by striking "section 386.570" and inserting in lieu thereof the following: "sections 386.570 and 1"; and

Further amend said bill, page 2, section 386.570, line 30, by inserting after all of said line the following:

**"Section 1. 1. A gas corporation or electric corporation may increase rates to recognize and recover on a more timely basis the cost of relocating facilities to accommodate construction or improvement of a highway, road, street, public way or other public work by or on behalf of the United States, this state, any political subdivision of this state or any other entity having the power of eminent domain.**

**2. A gas corporation or electric corporation may recover the facilities' relocation costs pursuant to subsection 1 of this section by filing with the commission rate schedules that increase, by an equal amount, the fixed monthly rates applicable to all customer classes for gas service in its service territory.**

**3. Rate schedules filed to increase the gas corporation's or electric corporation's fixed monthly rates pursuant to subsection 2 of this section shall be accompanied by documentation sufficient to demonstrate:**

- (1) The governmental requirement or directive for each facility's relocation for which cost recovery is requested;**
- (2) The entity requiring relocation for each facility's relocation for which cost recover is requested;**
- (3) The costs incurred for each facility's relocation for which cost recovery is requested, which shall be conclusively established by the relevant work orders and shall include materials, labor, overheads and loadings;**
- (4) The annual facilities' relocation costs to be recovered, which shall be conclusively established by multiplying the sum of the facilities' relocation costs for which cost recovery is sought, as determined in subdivision (3) of this subsection by the most recent rate of return authorized by the commission for the gas corporation or electric corporation, factored to include the current effective tax rate;**
- (5) The computation of the increased fixed monthly rates to recover the facilities' relocation costs, which shall be conclusively established by dividing the annual facilities' relocation costs to be recovered, as determined in subdivision (4) of this subsection by the customer numbers reported by the gas corporation or electric corporation in the annual report it most recently filed with the commission pursuant to subdivision (6) of section 393.140, RSMo, and further dividing this quotient by twelve; and**
- (6) That reimbursement for the facilities' relocation has not been made and is not available from the entity requiring the relocation.**

**4. Prior to August 28, 2000, the rate schedules filed pursuant to this section, which shall be no less than thirty days from the date of filing with the commission, the commission shall approve or reject the proposed rate schedules. The commission shall not examine any other revenue requirement or ratemaking issues in its consideration of the proposed rate schedules. Rate schedules filed pursuant to this section shall not suspend such rate schedules pursuant to the provisions of section 393.150, RSMo, and may reject such proposed rate schedules only upon finding that:**

- (1) The facilities' relocations were not required to be performed for the reasons specified in subsection 1 of this section;**

**(2) The gas corporation or electric corporation did not provide the documentation specified in subsection 3 of this section for the facilities' relocation costs for which recovery is sought; or**

**(3) The gas corporation or electric corporation obtained reimbursement from the entity requiring the facilities' relocations for which cost recovery is sought.**

**5. This section applies only to facilities' relocation projects placed in service by a gas corporation or electric corporation on or after January 1, 2000.**

**6. No gas corporation which falls under this section shall allow any consumer to hook onto a gas service line that has been paid for by a private developer without reasonable reimbursement compensation to said private developer within five years of installation of said gas service line.**

**7. A gas corporation which falls under this section shall not be entitled to charge a private developer for replacement of a gas pipeline along a public right of way if when the original gas pipeline was installed, the gas corporation knew, or should have known, that the elevation of the adjacent roadway would change or that the gas pipeline would have to be moved should the adjacent roadway be widened or the public right of way be expanded."; and**

Further amend the title and enacting clause accordingly.

## **RESOLUTIONS**

Senators House and Ehlmann offered Senate Resolution No. 1696, regarding the St. Charles Lions Club, which was adopted.

Senator Clay offered Senate Resolution No. 1697, regarding Christopher Michael Primm, Cape Girardeau, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis.

Senator Bentley introduced to the Senate, Nadia, Howard and Maral Cavner, Springfield.

Senator Sims introduced to the Senate, Jacob Siwak, St. Louis; and Jacob was made an honorary page.

Senator Kinder introduced to the Senate, twenty-one fourth grade students from Cape Christian School, Cape Girardeau; and Taylor Billings, Tiffany White, Riley Lohrmann and Bethany Parry were made honorary pages.

Senator Howard introduced to the Senate, Calvin Lee, Piedmont; and Connie Holder, Elkland.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, May 4, 2000.

## **SENATE CALENDAR**

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SIXTY-SIXTH DAY-THURSDAY, MAY 4, 2000

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FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &

671-Mathewson, with

SCS HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with

SCS (Johnson)

(In Budget Control)

2. HS for HB 1615-Hosmer,

with SCS (Caskey)

(In Budget Control)

3. HB 1706-Gambaro,

et al, with SCS (Clay)

4. HS for HCS for

HB 1076-Relford,

with SCS (Stoll)

5. HS for HB 1603-May

(108th), with SCS

(Jacob)

6. HB 1292-Auer, with

SCS (Jacob)

7. HCS for HB 1434, with

SCA 1 (Quick)

8. HCS for HB 1967, with

SCA 1 (Scott)

9. HB 1452-Foley and

Levin, with SCS

(DePasco)

10. HS for HCS for HBs

1652 & 1433-Hoppe,

with SCAs 1, 2, 3,

4, 5 & 6 (Caskey)

(In Budget Control)

11. HS for HCS for HBs 1677,

1675 & 1676-Riback Wilson,

with SCS (Jacob)

(In Budget Control)

12. HS for HB 1238-Hoppe,

with SCS (Mathewson)

13. HS for HCS for HB1797-Gratz,

with SCA 1 (Goode)

(In Budget Control)

14. HS for HCS for HBs 1172,

1501, 1633, 1440, 1634,

1177 & 1430-Davis (122nd),



with SCS (Howard)

15. HS for HCS for HB1762-

Williams (159th),

with SCS (Caskey)

(In Budget Control)

16. HCS for HB 1144, with

SCS (Johnson)

17. HJR 43-Barry, et al

(House)

18. HS for HCS for

HB 1481-Smith

(In Budget Control)

19. HCS for HB 1644, with SCS

20. HS for HCS for HBs

1215 & 1240-Smith,

with SCS (Caskey)

(In Budget Control)

21. HB 1768-Ward, with

SCS (Staples)

22. HB 1326-Mays (50th),

with SCAs 1 & 2

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,  
with SCS (pending)  
SBs 584, 539, 630, 777,  
796, 918 & 927-Bentley,  
with SCS & SS for SCS  
(pending)  
SBs 599 & 531-Schneider,  
with SCS (pending)  
SB 604-Wiggins  
SB 697-Schneider, with  
SCS & SA 1 (pending)  
SB 720-Caskey, with SS &  
SA 3 (pending)  
SB 729-House, with SCS &  
SA 8 (pending)  
SB 744-Klarich  
SB 748-Johnson, with SCS  
SB 803-Goode, et al, with SCS  
SBs 807, 553, 574, 614,  
747 & 860-Jacob, with  
SCS, SS for SCS & SA 2  
(pending)  
SB 817-Stoll, with SCS  
SBs 818 & 564-Maxwell and  
Kinder, with SCS  
  
SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5

(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,

with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SB 1047-Rohrbach, with

SCS (pending)

SB 1048-Mathewson, with SCS

SJR 45 & 41-House, with

SCS (pending)

SJR 46-Goode, et al, with

SCS (pending)

SJR 47-Quick, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & point

of order (pending) HOUSE BILLS ON THIRD READING

HB 1082-Crump, with SCS &

SA 1 (pending) (Childers)

SCS for HCS for HBs 1386  
& 1086 (Maxwell)  
(In Budget Control)

HS for HCS for HBs 1566 &  
1810-Bray, with SCS  
(Scott)

HS for HCS for HJR 61-Van  
Zandt, with SCS, SA 1  
& SA 7 to SA 1 (pending)  
(Quick)

## CONSENT CALENDAR

### Senate Bills

Reported 2/15

SB 740-Wiggins

### House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/12

HB 1486-Abel, et al (Stoll)

Reported 4/13

HB 1848-Treadway, with

SCS (Carter)

HB 1568-Riback Wilson and

Holand, with SCS (Jacob)

HB 1596-Auer (Clay)

HB 1875-Franklin, with

SCA 1 (Wiggins)

HB 1396-Farnen, with SCS

(Johnson)

HB 1363-Bray, et al (Quick)

HB 1948-Gratz, et al,

with SCS (Staples)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended

SS for SB 813-House, with  
HCS, as amended

HCS for HB 1106, with SCS,  
as amended (Goode)

(House adopted CCR  
and passed CCS)

HCS for HB 1107, with SCS,  
as amended (Goode)

(House adopted CCR  
and passed CCS)

HCS for HB 1108, with SCS  
(Goode)

HCS for HB 1109, with SCS  
(Goode)

HCS for HB 1110, with SCS,  
as amended (Goode)

HCS for HB 1111, with SCS,  
as amended (Goode)

HCS for HB 1112, with SCS,  
as amended (Goode)

HCS for HB 1120, with SCS,  
as amended (Goode)

HB 1591-Backer, with SCS

(Howard)

HS for HCS for HB 1742-

Koller, with SCS, as

amended (Mathewson)

#### Requests to Recede or Grant Conference

SB 881-Wiggins, with HS

for HCS, as amended

(Senate requests House

recede or grant conference)

#### RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

Reported from Committee

SCR 34-Bland, et al, with

point of order (pending)

SCR 40-House



# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTY-SIXTH DAY--THURSDAY, MAY 4, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Where can I go then from Your Spirit?...If I take the wings of the morning and dwell in the uttermost parts of the sea even there Your hand will lead me and Your right hand hold me fast." (Psalm 139:6,8-9)

Gracious God, help us to always remember that wherever we may be and whatever the circumstances we find ourselves You are there for us, present in our lives, our joys and sorrows and disappointments. Help us to remember whatever circumstances of life we are living through, even here, You are with us to walk with us and uphold us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1698, regarding Louis N. "Lou" Fosburgh, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1120**, as amended: Represen-tatives Franklin, Lakin, Green, Shields and Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1108** and has taken up and passed **CCS** for **HB 1108**.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeannine H. Osborn, Republican, 706 Briarfarm Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the State Board of Education, for a term ending July 1, 2005, and until her successor is duly appointed and qualified; vice, William Kahn, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vanetta E. Rogers, Democrat, 5049 North Kingshighway Boulevard, St. Louis City, Missouri 63115, as a member of the State Board of Education, for a term ending June 27, 2004, and until her successor is duly appointed and qualified; vice, Jacqueline D. Wellington, term expired.

Respectfully submitted,

MEL CARNAHAN

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Wiggins assumed the Chair.

### HOUSE BILLS ON THIRD READING

**HB 1486**, introduced by Representative Abel, et al, entitled:

An Act to repeal section 163.191, RSMo 1994, relating to state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 1486** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1848**, with **SCS**, introduced by Represen-tative Treadway, entitled:

An Act to repeal section 334.040, RSMo Supp. 1999, relating to examination of physicians and surgeons, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Carter.

**SCS** for **HB 1848**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### HOUSE BILL NO. 1848

An Act to repeal sections 324.130 and 334.040, RSMo Supp. 1999, relating to licensing of health practitioners and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Carter moved that **SCS** for **HB 1848** be adopted.

President Wilson assumed the Chair.

Senator Singleton offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend House Bill No. 1848, Page 1, Section A, Line 3, by inserting after all of said line the following:

"190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; [and]

(2) Ordered by a physician or set forth in protocols approved by the medical director; **and**

**(3) In an emergency situation providing pre-hospital care, during continued emergency care in a health care facility, or inter-hospital and non-emergency transports notwithstanding other provisions of law.**

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The department shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee."; and

Further amend the title and enacting clause accordingly.

Senator Singleton requested unanimous consent of the Senate to suspend Senate Rule 97 and adopt **SA 1**, which request was denied.

Senator Singleton moved that Senate Rule 97 be suspended, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Ehlmann
Flotron	Graves	House	Kenney
Kinder	Klarich	Mueller	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
NAYS--Senators			
Bland	Carter	Clay	DePasco
Goode	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Scott
Staples	Stoll	Wiggins--15	
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

Senator Carter moved that **SCS** for **HB 1848** be adopted, which motion prevailed.

On motion of Senator Carter, **SCS** for **HB 1848** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Carter, title to the bill was agreed to.

Senator Carter moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1568**, with **SCS**, introduced by Represen-tatives Riback Wilson (25) and Holand, entitled:

An Act to repeal section 210.030, RSMo Supp. 1999, relating to blood tests of pregnant women, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

**SCS** for **HB 1568**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1568

An Act to repeal section 210.030, RSMo Supp. 1999, relating to women's health, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **HB 1568** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HB 1568** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1596**, introduced by Representative Auer, entitled:

An Act to amend chapter 375, RSMo, relating to insurance companies by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

On motion of Senator Clay, **HB 1596** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1875**, with **SCA 1**, introduced by Representative Franklin, entitled:

An Act to repeal section 29.230, RSMo Supp. 1999, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

**SCA 1** was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins moved that **HB 1875**, as amended, be read the 3rd time and finally passed.

At the request of Senator Wiggins, the above motion was withdrawn.

## CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1120**, as amended: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

### PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1106**, as amended, submitted the following conference committee report:

### CONFERENCE COMMITTEE REPORT ON

#### HOUSE BILL No. 1106

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1106.
3. That the attached Conference Committee Substitute for House Bill No. 1106, be truly agreed to and finally passed.

**FOR THE SENATE:**

/s/ Wayne Goode  
 /s/ Harry Wiggins  
 /s/ Joe Maxwell  
 /s/ John T. Russell  
 /s/ Morris Westfall

**FOR THE HOUSE:**

/s/ Dick Franklin  
 /s/ Deleta Williams  
 /s/ May Scheve  
 /s/ Ken Legan  
 /s/ Daniel J. Hegeman

Senator Goode moved that the above conference committee report be adopted.

Senator Klarich offered a substitute motion that the House grant a further conference on **CCS** for **SCS** for **HCS** for **HB 1106** and that the conferees be instructed to remove the \$250,000 in general revenue from Section 6.372.

At the request of Senator Klarich, the above substitute motion was withdrawn.

Senator Staples assumed the Chair.

**CCR** for **SCS** for **HCS** for **HB 1106** was adopted by the following vote:

**YEAS--Senators**

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Goode
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

**NAYS--Senators**

Ehlmann	Flotron	Graves	House
Klarich--5			

**Absent--Senators--None**

**Absent with leave--Senators--None**

On motion of Senator Goode, **CCS** for **HB 1106**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1106**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:



YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1107**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL No. 1107

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1107.
3. That the attached Conference Committee Substitute for House Bill No. 1107, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Richard Franklin  
/s/ Deleta Williams  
/s/ May Scheve  
/s/ Ken Legan  
/s/ Emmy McClelland

Senator Goode moved that the above conference committee report be adopted.

Senator Ehlmann offered the following substitute motion, which was read:

## SUBSTITUTE MOTION

That the Senate reject the Conference Committee Report on **CCS/SCS/HCS/HB 1107** and request that the House grant further conference thereon, and the Senate conferees be instructed to adopt the following amendment:

To amend **CCS/SCS/HCS/HB 1107**, page 3, lines 4-6 of said page, by striking the following:

"Kansas City Midtown, Excelsior Springs Elms Hotel, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Riverside Levee, Vista Del Rio, and Cupples Station."

Senator Ehlmann offered **SA 1** to his substitute motion, which was read:

### SENATE AMENDMENT NO. 1

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Line 8 of said page, by striking the following: "**and Cupples Station**".

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Childers, Kinder and Steelman.

**SA 1** to the substitute motion was adopted by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel--31	

#### NAYS--Senators

Caskey	Childers	Rohrbach--3
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#### Absent--Senators--None

#### Absent with leave--Senators--None

At the request of Senator Goode, the conference committee report on **SCS** for **HCS** for **HB 1107**, as amended, with the substitute motion offered by Senator Ehlmann, as amended (pending), was placed on the Calendar.

## REPORTS OF STANDING COMMITTEES

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HS** for **HB 1728**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

## RESOLUTIONS

Senator Howard offered Senate Resolution No. 1699, regarding Stephanie Parker, Puxico, which was adopted.

Senator Howard offered Senate Resolution No. 1700, regarding Amanda E. Smith, Sikeston, which was adopted.

Senator Howard offered Senate Resolution No. 1701, regarding Lori Rachelle Williams, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1702, regarding Charlina Nicole Bible, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1703, regarding Leah Ford, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1704, regarding Nicole R. Harris, Sikeston, which was adopted.

Senator Howard offered Senate Resolution No. 1705, regarding Ashley Lufcy, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1706, regarding Ashley Bruce, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1707, regarding Brandi Nicole Taylor, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1708, regarding Jennifer Bell, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1709, regarding Melissa Dawn Fincher, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1710, regarding Jamie Reynolds, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1711, regarding Cortney Smith, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1712, regarding Lindsay Warrington, Kennett, which was adopted.

Senator Yeckel offered Senate Resolution No. 1713, regarding Sharon Clayton Knueppe, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1714, regarding Henry Menghini, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1715, regarding Dr. W. Gene Engelhardt, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1716, regarding Mrs. Kelley Erwin, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 1717, regarding Jack P. Lunsford, Mehlville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1718, regarding Mrs. Janet Shamia, St. Louis County, which was adopted.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by Senator Staples.

## **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1604** and has again taken up and passed **SCS** for **HB 1604**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1739** and has again taken up and passed **SCS** for **HB 1739**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1097** and has again taken up and passed **SCS** for **HB 1097**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2**, **SCA 3** to **HB 1428** and has again taken up and passed **HB 1428** as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1142**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1109** and has taken up and passed **CCS** for **HB 1109**.

President Wilson assumed the Chair.

### **PRIVILEGED MOTIONS**

Senator Johnson moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1142**, as amended, and grant the House a conference thereon, which motion prevailed.

### **RESOLUTIONS**

Senator Staples offered Senate Resolution No. 1719, regarding Sherry Goodson, Centerville, which was adopted.

Senator Staples offered Senate Resolution No. 1720, regarding James V. Hughes, Ellington, which was adopted.

Senator Staples offered Senate Resolution No. 1721, regarding Harold Fox, Ellington, which was adopted.

Senator Goode offered Senate Resolution No. 1722, regarding the One Hundred Fiftieth Anniversary of the St. Vincent Home for Children, St. Louis, which was adopted.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

#### **SENATE RESOLUTION NO. 1723**

WHEREAS, the Holy See is a governing authority of the sovereign State of Vatican City; and

WHEREAS, the Holy See has an internationally recognized legal personality, which allows it to enter into treaties as the juridical equal of a state and to send and receive diplomatic representatives; and

WHEREAS, the diplomatic history of the Holy See began over 1,600 years ago, during the 4th century, A.D. and the Holy See currently has formal diplomatic relations with one hundred sixty-nine nations, including the United States, and maintains one hundred seventy-nine permanent

diplomatic missions abroad; and

WHEREAS, although the Holy See was an active participant in a wide range of United Nations activities since 1946, and was eligible to become a member state of the United Nations, it chose instead to become a nonmember state with Permanent Observer status over thirty-six years ago, in 1964; and

WHEREAS, unlike other geographically small countries such as Monaco, Nauru, San Marino and Liechtenstein, the Holy See does not possess a vote in the General Assembly of the United Nations; and

WHEREAS, according to a July 1998 assessment by the United States Department of State, the United States values the Holy See's significant contributions to international peace and human rights; and

WHEREAS, during the past year, certain organizations that oppose the views of the Holy See regarding abortion and the sanctity of human life have initiated an organized effort to pressure the United Nations to remove the Permanent Observer status of the Holy See; and

WHEREAS, the removal of the Holy See's Permanent Observer status would constitute an expulsion of the Holy See from the United Nations as a state participant:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby request that Congress commend the Holy See for its unique contributions to a thoughtful and robust dialogue in issues of international concern during its thirty-six years as a Permanent Observer at the United Nations; and

BE IT FURTHER RESOLVED, that Congress should strongly object to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a nonmember state Permanent Observer; and

BE IT FURTHER RESOLVED, that Congress should emphasize that any degradation of the status accorded to the Holy See at the United Nations would seriously damage the credibility of the United Nations by demonstrating that its rules of participation are manipulable for ideological reasons rather than being rooted in neutral principles and objective facts of sovereignty and that any degradation of the status of the Holy See will damage relations between the United States and the United Nations; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's Congressional Delegation.

## CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1142**, as amended: Senators Johnson, Mathewson, Caskey, Childers and Russell.

### CONFERENCE COMMITTEE REPORTS

Senator Goode moved that the conference committee report on **SCS** for **HCS** for **HB 1107**, as amended, with the substitute motion made by Senator Ehlmann (pending), be taken up for adoption, which motion prevailed.

The substitute motion made by Senator Ehlmann was again taken up.

Senator Scott raised the point of order that the substitute motion made by Senator Ehlmann is out of order as the body may only accept or reject the report or return the bill to conference.

The point of order was referred to the President Pro Tem.

At the request of Senator Scott, his point of order was withdrawn.

Senator Ehlmann offered **SA 2** to the substitute motion:

### SENATE AMENDMENT NO. 2

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Lines 6-7 of

said page, by striking the following: "Independence Santa Fe Trail Neighborhood,".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 3** to the substitute motion:

#### SENATE AMENDMENT NO. 3

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Line 7 of said page, by striking the following: "Riverside Levee,".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 4** to the substitute motion:

#### SENATE AMENDMENT NO. 4

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Line 6 of said page, by striking the following: "Kansas City Midtown,".

Senator Ehlmann moved that the above amendment be adopted.

Senator Maxwell raised the point of order that the amendment before the body is out of order because the conference committee report may not be amended in that the conferees have been dissolved and the body must vote on the underlying motion.

The point of order was referred to the President Pro Tem.

At the request of Senator Maxwell, his point of order was withdrawn.

**SA 4** to the substitute motion was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Ehlmann offered **SA 5** to the substitute motion:

#### SENATE AMENDMENT NO. 5

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Lines 7-8 of said page, by striking the following: "Vista Del Rio,".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 6** to the substitute motion:

#### SENATE AMENDMENT NO. 6

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Line 6 of said page, by striking the following: "Excelsior Springs Elms Hotel,".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 7** to the substitute motion:

## SENATE AMENDMENT NO. 7

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Line 7 of said page, by striking the following: "St. Louis City Convention Hotel,".

Senator Ehlmann moved that the above amendment be adopted.

Senator Scott offered **SSA 1** for **SA 7** to the substitute motion, which was read:

### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

## SENATE AMENDMENT NO. 7

Amend the substitute motion on the Conference Committee Report for CCS/SCS/HCS/HB 1107, Page 1, Line 8 of said page, by inserting at the end of said line the following: "; further amend said bill, page 10, Section 7.075, line 15, by inserting the following:

", but excluding funding for St. Charles Workforce Investment Board,".

Senator Scott moved that the above substitute amendment be adopted.

At the request of Senator Scott, **SSA 1** for **SA 7** was withdrawn.

**SA 7** was again taken up.

Senator Ehlmann moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Bentley, Childers, Goode and Wiggins.

**SA 7** was adopted by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Clay
DePasco	Goode	House	Jacob
Johnson	Klarich	Mathewson	Maxwell
Quick	Schneider	Scott	Sims
Staples	Stoll	Wiggins	Yeckel--20

#### NAYS--Senators

Caskey	Childers	Ehlmann	Flotron
Graves	Howard	Kenney	Kinder
Mueller	Rohrbach	Russell	Singleton
Steelman	Westfall--14		

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Ehlmann, his substitute motion was withdrawn.

Senator Flotron offered the following substitute motion:

### SUBSTITUTE MOTION

That the Senate refuse to adopt the Conference Committee Report on CCS/SCS/HCS/HB 1107 and request that the House grant further conference thereon, and the Senate conferees be instructed to adopt the following amendment:

To amend CCS/SCS/HCS/HB 1107, page 21 & 22, Section 7.835 of said pages, by deleting said section and inserting the following:

"Section 7.835. To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For the purpose of funding Administration

Personal Service \$7,181,851

Annual salary adjustment in accordance with Section 105.005, RSMo 235,104

Expense and Equipment 1,001,664

There is transferred from the Workers'

Compensation Fund

to the Kids' Chance Scholarship

Fund 50,000

From Workers' Compensation Fund 8,468,619

Personal Service 21,829

Annual salary adjustment in accordance with

Section 105.005, RSMo 1,296

From Crime Victims' Compensation Fund..23,125

Total (Not to exceed 156.75 F.T.E.) \$8,491,744"

Senator Flotron moved that the above substitute motion be adopted.

Senator Childers requested a roll call vote be taken on the substitute motion offered by Senator Flotron and was joined in his request by Senators Flotron, Kenney, Rohrbach and Sims.

The substitute motion offered by Senator Flotron failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Sims	Yeckel-- 12
	NAYS--Senators		
Carter	Caskey	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall
Wiggins-- 17			
	Absent--Senators		
Bland	Clay	Maxwell	Quick
Singleton-- 5			



Absent with leave--Senators--None

Senator Goode moved that the conference committee report on **SCS** for **HCS** for **HB 1107** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bland  
Clay--2

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 1107**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1107

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Clay--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 1110** and requests the Senate to grant the House a further conference on **SCS** for **HCS** for **HB 1110**, and the House conferees be bound to the Conference Committee Report except in Section 10.110 and Section 10.415.

## PRIVILEGED MOTIONS

Senator Goode moved that the Senate grant the House a further conference on **SCS** for **HCS** for **HB 1110**, as amended, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1108**, submitted the following conference committee report:

## CONFERENCE COMMITTEE REPORT ON

### HOUSE BILL No. 1108

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1108.
3. That the attached Conference Committee Substitute for House Bill No. 1108, be truly agreed to and finally passed.

#### FOR THE SENATE:

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

#### FOR THE HOUSE:

/s/ Richard Franklin  
/s/ Deleta Williams  
/s/ Scott B. Lakin  
/s/ Ken Legan  
/s/ Bill Foster

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Schneider--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 1108**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1108

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1109**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL No. 1109

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1109.
3. That the attached Conference Committee Substitute for House Bill No. 1109, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John T. Russell  
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin  
/s/ Charles Q. Troupe  
/s/ Glenda Kelly  
/s/ Ken Legan  
Larry Crawford

Senator Goode moved that the above conference committee report be adopted.

Senator Rohrbach raised the point of order that the conference committee report on **SCS** for **HCS** for **HB 1109** is out of order as it exceeds the differences between the bodies in Section 9.407.

The point of order was referred to the President Pro Tem.

At the request of Senator Rohrbach, his point of order was withdrawn.

**CCR** on **SCS** for **HCS** for **HB 1109** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 1109**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1109

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 28, 2000 for your advice and consent:

Keith E. Spare, 5128 Brookside Boulevard, Kansas City, Jackson County, Missouri 64112, as a member of the Committee for Professional Counselors, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Christopher Magilo, Ph.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 28, 2000 for your advice and consent:

Debra A. Foster, Republican, 6140 North Hull, Kansas City, Jackson County, Missouri 64151, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until her successor is duly appointed and qualified; vice, Susanne Hoffmann, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 26, 2000 for your advice and consent:

Katherine K. Wesselschmidt, 9566 Banyon Tree Court, St. Louis, St. Louis County, Missouri 63126, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Susan McHugh, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 25, 2000 for your advice and consent:

Kay G. Crockett, Democrat, 117 Hollyridge, Columbia, Boone County, Missouri 65203, as a member of the Board of Probation and Parole, for a term ending April 3, 2004, and until her successor is duly appointed and qualified; vice, Robert E. Newsom, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Darrel D. Ashlock, Democrat, 917 South 39th Street, St. Joseph, Buchanan County, Missouri 64507, as a member of the Board of Probation and Parole, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Kay G. Crockett, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stacey Daniels-Young, Ph.D., 3428 East 46<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64130, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:



I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karl B. Zobrist, 1232 Stratford Road, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2004, and until his successor is duly appointed and qualified; vice, Jeffery J. Simon, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1142**, as amended: Representatives Ransdall, Wiggins, Leake, Hartzler 124, Marble.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1122** and has again taken up and passed **SCS** for **HB 1122**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1121** and has again taken up and passed **SCS** for **HB 1121**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1113** and has again taken up and passed **SCS** for **HCS** for **HB 1113**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 2001**, entitled:

An Act to repeal sections 137.073 and 139.031, RSMo Supp. 1999, relating to the calculation of real property tax rates in all counties, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1159**, entitled:

An Act to repeal section 143.121, RSMo 1994, and sections 135.010, 137.115 and 143.124, RSMo Supp. 1999, relating to income taxation, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1888**, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to a loan repayment assistance program for teachers working in certain school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **REPORTS OF STANDING COMMITTEES**

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Michael L. Craighead, as a member of the State Board of Registration for the Healing Arts;

Also,

Larry E. Pratt, as a member of the Fire Education Trust Fund Board;

Also,

Willard H. "Bill" Halmich and Philip B. Sayer, as members of the Missouri Fire Education Commission;

Also,

Christina M. Norton and Gordon V. Spilker, as members of the Missouri Agricultural and Small Business Development Authority;

Also,

Juan M. Rangel, Jr., as a member of the Northwest Missouri State University Board of Regents;

Also,

Elizabeth T. Solberg and W. Michael Ross, as members of the Missouri Development Finance Board;

Also,

Jocelyn J. Osborne and Joanne S. Griffin, as members of the Missouri Community Service Commission;

Also,

Phyllis J. Baker, Denise L. Osment and Susan L. Else, as members of the Missouri Women's Council;

Also,

Lethrone Johnson and John S. Gaal, as members of the Missouri Seed Capital Investment Board;

Also,

Warren C. Davis, Jr. and Susan B. Williamson, as members of the Hazardous Waste Management Commission of the State of Missouri;

Also,

Judith W. Baker and Neal A. Gibbons, as members of the Board of Trustees for the Petroleum Storage Tank Insurance Fund;

Also,

Larry V. Schepers, as a member of the Board of Curators for Lincoln University;

Also,

Patricia A. Nichols, as a member of the Well Installation Board;

Also,

H. Bruce Nethington, as a member of the Missouri Health Facilities Review Committee;

Also,

Susan W. Nall, as a public member of the Video Instructional Development Education Opportunity Fund;

Also,

Nancy R. Siwak, as a member of the State Environmental Improvement and Energy Resources Authority;

Also,

Michelle L. Ray, as a member of the Seismic Safety Commission;

Also,

John T. Wade, as a member of the Committee for 911 Service Oversight;

Also,

Jacob I. Johnson, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

Nadia T. Cavner and Robert E. Bell, as members of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Donald J. Gralike, as a member of the Missouri Veterans' Commission;

Also,

Roger L. Gregory, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Muriel Ann Brison, as a public member of the Public Defender Commission;

Also,

Anne B. Schmidt, as a member of the Missouri Housing Development Commission;

Also,

Barbara H. Pickering, as a member of the State Lottery Commission;

Also,

Maurice J. Nutt, as a member of the St. Louis City Board of Police Commissioners;

Also,

Raenne E. Presley, as a member of the Tourism Commission;

Also,

Betsy A. Baird, Maria I. Gomez, Anne B. Schmidt, Linda W. Hancik, Timothy J. Fete, Carolyn V. Atkins, Barbara B. Smith and Jennie L. Crisp, as members of the Child Abuse and Neglect Review Board;

Also,

Denise Troy Curry, David L. Ohlms, Betty C. Hearnese and Dorsey Alan Baumgartner, as members of the State Mental Health Commission;

Also,

Dorothy Stroh Becvar and John R. Small, as members of the State Committee of Marital and Family Therapists;

Also,

Davis D. Minton, as a member of the Clean Water Commission of the State of Missouri;

Also,

Jean Galloway, as a member of the Board of Certification of Interpreters;

Also,

Cheryl Lynn Bisbee, as a member of the Kansas City Board of Election Commissioners;

Also,

Charles E. Dumsky, as a member of the Jackson County Board of Election Commissioners;

Also,

Karen A. Winn, as a member of the Administrative Hearing Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## **CONFERENCE COMMITTEE**

### **APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1110**, as amended: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

### **REPORTS OF STANDING COMMITTEES**

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HBs 1489, 1488** and **1650**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **RESOLUTIONS**

Senator Caskey offered Senate Resolution No. 1724, regarding Larry Berry, Hume, which was adopted.

Senator DePasco offered Senate Resolution No. 1725, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Antonio Vasquez, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1726, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Reyes, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1727, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Peters, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1728, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Marx, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1729, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Louis Garcia, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1730, regarding Larry Polzin, Sylmar, California, which was adopted.

Senator Caskey offered Senate Resolution No. 1731, regarding Jeanie Naylor, Osceola, which was adopted.

Senator Caskey offered Senate Resolution No. 1732, regarding Esther McLerran, Osceola, which was adopted.

Senator Caskey offered Senate Resolution No. 1733, regarding Susan Brockus, Osceola, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Childers introduced to the Senate, Sheena Morris, Teresa Porter, Roger Butler, Julie Pruitt and forty-four fifth grade students from Blue Eye Elementary School, Blue Eye.

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 5, 2000.

## **SENATE CALENDAR**

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SIXTY-SEVENTH DAY-FRIDAY, MAY 5, 2000

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 2011-  
Overschmidt  
HB 1159-Boucher

HS for HCS for HB 1888-  
Wilson (42nd)

SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &  
671-Mathewson, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with

SCS (Johnson)

(In Budget Control)

2. HS for HB 1615-Hosmer,

with SCS (Caskey)

(In Budget Control)

3. HB 1706-Gambaro,

et al, with SCS (Clay)

4. HS for HCS for

HB 1076-Relford,

with SCS (Stoll)

5. HS for HB 1603-May

(108th), with SCS

(Jacob)

6. HB 1292-Auer, with

SCS (Jacob)

7. HCS for HB 1434, with

SCA 1 (Quick)

8. HCS for HB 1967, with

SCA 1 (Scott)

9. HB 1452-Foley and Levin,

with SCS (DePasco)

10. HS for HCS for HBs 1652 &

1433-Hoppe, with SCAs 1, 2, 3,

4, 5 & 6 (Caskey)

(In Budget Control)

11. HS for HCS for HBs 1677,

1675 & 1676-Riback Wilson,

with SCS (Jacob)

(In Budget Control)

12. HS for HB 1238-Hoppe,  
with SCS (Mathewson)

13. HS for HCS for HB 1797-  
Gratz, with SCA 1 (Goode)  
(In Budget Control)

14. HS for HCS for HBs 1172,  
1501, 1633, 1440, 1634,  
1177 & 1430-Davis (122nd),  
with SCS (Howard)

15. HS for HCS for HB 1762-  
Williams (159th),  
with SCS (Caskey)  
(In Budget Control)

16. HCS for HB 1144, with  
SCS (Johnson)

17. HJR 43-Barry, et al  
(House)

18. HS for HCS for  
HB 1481-Smith  
(In Budget Control)

19. HCS for HB 1644, with  
SCS (Scott)

20. HS for HCS for HBs  
1215 & 1240-Smith,  
with SCS (Caskey)  
(In Budget Control)

21. HB 1768-Ward, with



SCS (Staples)

22. HB 1326-Mays (50th),

with SCAs 1 & 2

23. HS for HB 1728-Backer,

with SCS (Flotron)

24. HS for HCS for HBs

1489, 1488 & 1650-

Kennedy, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)

SBs 584, 539, 630, 777,

796, 918 & 927-Bentley,

with SCS & SS for SCS

(pending)

SBs 599 & 531-Schneider,

with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with

SCS & SA 1 (pending)

SB 720-Caskey, with SS &

SA 3 (pending)

SB 729-House, with SCS &

SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with SCS

SBs 807, 553, 574, 614,

747 & 860-Jacob, with

SCS, SS for SCS & SA 2

(pending)

SB 817-Stoll, with SCS

SBs 818 & 564-Maxwell and

Kinder, with SCS

SB 826-Jacob, et al, with

SCS, SS for SCS & SA 5

(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,

with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SB 1047-Rohrbach, with  
SCS (pending)  
SB 1048-Mathewson, with SCS  
SJRs 45 & 41-House, with  
SCS (pending)  
SJR 46-Goode, et al, with  
SCS (pending)  
SJR 47-Quick, et al, with  
SCS, SS for SCS, SA 1,  
SSA 1 for SA 1 & point  
of order (pending)

#### HOUSE BILLS ON THIRD READING

HB 1082-Crump, with SCS &  
SA 1 (pending) (Childers)  
SCS for HCS for HBs 1386  
& 1086 (Maxwell)  
(In Budget Control)

HS for HCS for HBs 1566 &  
1810-Bray, with SCS (Scott)  
HS for HCS for HJR 61-Van  
Zandt, with SCS, SA 1  
& SA 7 to SA 1  
(pending) (Quick)

## CONSENT CALENDAR

### Senate Bills

Reported 2/15

SB 740-Wiggins

### House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin

(Wiggins)

HB 1396-Farnen, with SCS

(Johnson)

HB 1363-Bray, et al

(Quick)

HB 1948-Gratz, et al,

with SCS (Staples) BILLS IN CONFERENCE AND BILLS

## CARRYING REQUEST MESSAGES

### In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended

SS for SB 813-House, with  
HCS, as amended

HCS for HB 1110, with SCS,  
as amended (Goode)  
(Further conference  
granted)

HCS for HB 1111, with SCS,  
as amended (Goode)

HCS for HB 1112, with SCS,  
as amended (Goode)

HCS for HB 1120, with SCS,  
as amended (Goode)

HCS for HB 1142, with SCS,  
as amended (Johnson)

HB 1591-Backer, with SCS  
(Howard)

HS for HCS for HB 1742-

Koller, with SCS, as

amended (Mathewson) Requests to Recede or Grant Conference

SB 881-Wiggins, with HS  
for HCS, as amended  
(Senate requests House  
recede or grant conference)

## RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al Reported from Committee

SCR 34-Bland, et al, with

point of order (pending)

SCR 40-House

# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTY-SEVENTH DAY--FRIDAY, MAY 5, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Benjamin Franklin said: "I am in perpetual anxiety lest...an accidental Quarrel, a personal Insult, an imprudent Order...make a Breach that can never afterward be healed." (October 6, 1774)

Gracious Lord, we pray in the closing day of this week, that we would always be known for who and what we are for and not who and what we are against. May we trust You who sees beyond today and who has promised to guide our steps when we fully trust in You that we will clearly be known for the love we convey and the efforts we take to make real that love in the lives of those we serve and serve with. Grant us patience and love to willingly protect the reputation and interest of others as we seek to do Your will. And "...watch our going out and coming in." In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Clay--1

The Lieutenant Governor was present.

## REFERRALS

President Pro Tem Quick referred **HS** for **HBs 1489, 1488 and 1650**, with **SCS**; and **HS** for **HB 1728**, with **SCS**, to the Committee on State Budget Control.

## **REPORTS OF STANDING COMMITTEES**

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 1305**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 1254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 43**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **SENATE COMMITTEE SUBSTITUTE FOR**

### **SENATE CONCURRENT RESOLUTION NO. 41**

WHEREAS, for many years St. Louis has been known as the Gateway to the West; and

WHEREAS, in a city more than two hundred years old, there is a new spirit of revitalization that is focused on its historic core in Downtown; and

WHEREAS, this spirit of renewal is evident from the Gateway Arch with its Museum of Westbound Expansion through Laclede's Landing, to Union Station, Soulard and along Washington Avenue; and

WHEREAS, Downtown St. Louis is the largest employment center in the State of Missouri and the heart of the St. Louis Metropolitan Area; and

WHEREAS, Downtown St. Louis has gone through a period of decline with the loss of businesses, jobs and deteriorating buildings and public facilities, and is having to face the growth of many shopping centers in the surrounding areas; and

WHEREAS, over the years numerous plans have been offered to rejuvenate Downtown St. Louis:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, establish the Joint Interim Committee on the Revitalization of the City of St. Louis. The members shall consist of five state senators appointed by the President Pro Tem of the Senate and five state representatives appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee may solicit input from governmental and business leaders of the City of St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall review and evaluate reports, studies and other information with respect to the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall make an in-depth study and evaluation of the alternatives to finance the revitalization of



Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 1, 2001; and

BE IT FURTHER RESOLVED that the expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 42, Page 865 of the Senate Journal for Monday, May 1, 2000, Column 1, Line 35 of said column, by striking "non-point" and inserting in lieu thereof the following: "point".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 10, Page 294 of the Senate Journal for Tuesday, February 22, 2000, Column 2, Line 46 of said column, by striking "polices" and inserting in lieu thereof the following: "policies".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Wiggins assumed the Chair.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has re-appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1110**, as amended: Representatives Franklin, Williams 121, Riback Wilson 25, Shields and Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 944**, entitled:

An Act to repeal sections 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 165.011, 165.016, 167.020, 167.115, 167.117, 167.171 and 170.250, RSMo Supp. 1999, relating to school safety, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 11, 13, 14 and 15.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 944, Page 6, Section 160.522, Line 9 on said page, by inserting immediately after the word "**suspensions**" the following:

"**of ten days or longer**"; and

Further amend said bill, Page 16, Section 167.020, Line 47, by deleting the words "forty-eight hours" and by inserting in lieu thereof the words "**two business days**".

### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 944, Page 18, Section 167.115, Line 38, by deleting the words: "**The super-intendent or the designee of**"; and,

Further amend said bill, Page 18, Section 167.115, Lines 39 through 41, by deleting all of said lines; and

Further amend said bill, Page 18, Section 167.115, Line 56, by inserting immediately at the end of said line the following:

"**8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261, RSMo, shall not be civilly liable for providing such information.**".

### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 944, Page 27, Section 569.155, Line 11, by inserting immediately after said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; [or]

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; **or**

**(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board, unless the person is participating in a school-sanctioned firearm-related event.**

2. Subdivisions (1), (3), (4), (6), (7), (8) [and] , (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) [and] , (8) **and (10)** of subsection 1 of this section do not apply when the actor is transporting

such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

**Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school.**

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded**, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."; and

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 944, Page 15, Section 167.020, Line 12, by inserting after the word "parent" the following: ", **military guardian pursuant to a military-issued guardianship**"; and

Further amend said bill, Page 16, Section 167.020, Line 34, by inserting after the word "parent" the following: ", **military guardian**"; and

Further amend said bill, Page 16, Section 167.020, Line 35, by inserting after the word "parent" the following: ", **military guardian**"; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 944, Page 17, Section 167.020, Line 75, by inserting after all of said line the following:

"167.023. Prior to admission to any public school, a school board may require the parent, guardian, or other person

having control or charge of a child of school age to provide, upon enrollment, a sworn statement or affirmation indicating whether the student has been expelled from school attendance at any school, **public or private**, in this state or in any other state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. Any person making a materially false statement or affirmation shall be guilty upon conviction of a class B misdemeanor. The registration document shall be maintained as a part of the student's scholastic record."; and

Further amend said bill, Page 20, Section 167.171, Line 29, by inserting after the following: "167.161]" the following: **"regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school,"**; and

Further amend said bill, Page 20, Section 167.171, Line 33, by inserting after the word "that" the following: **"school or"**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Line 15, by inserting after all of said line the following:

**"Section 1. 1. Beginning July 1, 2001, the department of elementary and secondary education shall provide a four-year competitive grant program to fund, or defray the cost of, establishment or expansion of student suicide prevention programs. Such programs may also include teacher and administrator training in suicide prevention programs. Such programs may be operated at the district or building level and, if operated, shall be operated at a public elementary or secondary school of this state.**

**2. Prior to July 1, 2001, the department of elementary and secondary education shall promulgate rules including but not limited to eligibility criteria, how applicant priority is established, the manner in which grant funds may or may not be used, proposed methods and documents of cooperation with the host school or school district in the case of nonschool applicants pursuant to subsection 3 of this section, and the form of grant applications.**

**3. Grants for the establishment or expansion of student suicide prevention programs may be applied for by either public schools, school districts, political subdivisions, corporations registered pursuant to the laws of this state, partnerships registered pursuant to the laws of this state or not for profit corporations as that term is defined in section 501(c)(3) of the Internal Revenue Code of 1986, as amended. In the case of applicants other than schools or school districts, such applicants shall accompany the grant application with a document of cooperation, approved by the department and signed by either the principal of a public school or by the superintendent of a school district, stating that the school or district shall furnish space and time for such program and stating the manner in which such program will be made available to its students.**

**4. In its grant application the school, school district, political subdivision, corporation, partnership or not for profit corporation shall describe any current or any proposed suicide prevention program, show a need for an improved suicide prevention program in the case of an existing program, and explain how it proposes to implement or improve its program with grant funds.**

**5. The grantee pursuant to this section shall make a report on its suicide prevention program after the second year of the grant to receive funds for years three and four. As part of the mid-grant progress report, the grantee shall report the progress of the program's development, as evidenced by the program's compliance with the original stated goals of the program. The department shall develop rules to determine compliance pursuant to this subsection, allowing for flexibility in application to varying grant projects but supplying rigorous standards so that compliance is measurable and meaningful in the context of the individual grant project.**

**6. Grants are renewable for an additional four-year term, based in part upon the results of the first grant.**

**7. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that, funds may be reallocated by the department if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area.**

**8. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Section 574.150, Line 15, by inserting immediately after said line the following:

**"Section 1. All public schools shall have a criminal background check and child abuse registry check conducted for each noncertified employee of the public school before the hiring of the employee through the Family Care Safety Registry. All public schools may conduct these checks on their existing school employees through the Family Care Safety Registry. The costs of these checks conducted after August 28, 2000 shall be funded through the Department of Elementary and Secondary Education."; and**

Further amend by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Section 574.150, Line 15, by inserting immediately at the end of said section and line, the following:

**"Section 1. Charter, private and parochial schools shall not be civilly liable for providing to other schools any information required to be provided pursuant to this act."; and**

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 944, Page 2, Section 160.261, Line 43, by inserting immediately after said line the following:

**"(20) First degree child molestation under 566.067;**

**(21) Deviate sexual assault under 566.070;**

**(22) Sexual misconduct involving a child under 566.083;**

**(23) Sexual abuse under 566.100;; and**

Further amend said section by renumbering the paragraphs accordingly; and

Further amend said bill, Page 18, Section 167.115, Line 24, by inserting immediately after said line the following:

**"(19) First degree child molestation under 566.067;**

**(20) Deviate sexual assault under 566.070;**

**(21) Sexual misconduct involving a child under 566.083;**

**(22) Sexual abuse under 566.100;"; and**

Further amend said section by renumbering the paragraphs accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 944, Page 21, Section 167.171, Line 80, by adding after all of said line the following:

**"168.142. 1. If an employee or school board member has direct knowledge that a certificate holder has committed an act that would be a sexual offense pursuant to chapter 566, RSMo, a drug offense pursuant to chapter 195, RSMo, or child abuse pursuant to section 568.060, RSMo, that employee or school board member shall report such act of such certificate holder to the district superintendent and to the appropriate local law enforcement agency as soon as is reasonably practical. Upon receiving a report of such act the superintendent shall notify the department of elementary and secondary education of such act.**

**2. If a local board of education has a written policy that substantially complies with the provisions of subsection 1 of this section, then any employee or school board member who follows that written policy shall be deemed to have complied with the provisions of subsection 1 of this section.**

**3. Any employee or school board member acting in conformity with either the provisions of subsection 1 of this section or any substantially complying policy pursuant to subsection 2 of this section shall not be civilly liable for any such conforming action.**

**4. Any employee, school board member or superintendent who fails to report any of the offenses listed in subsection 1 of this section to the appropriate local law enforcement agency shall be guilty of a class A misdemeanor."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 944, Page 7, Section 160.660, Line 11, by inserting after all of said line the following:

**"161.650. 1. The department of elementary and secondary education shall identify and[, if necessary,] adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include, but shall not be limited to, instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as those phrases are defined in section 578.421, RSMo, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as approved for use in Missouri public schools. The program or programs of instruction shall encourage nonviolent conflict resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.**

**2. [Beginning no later than the 1998-99 school year and each school year thereafter,] All public school districts within this state with the approval of the district's board of education may administer the program or programs of student instruction adopted pursuant to subsection 1 of this section to students within the district starting at the kindergarten level and every year thereafter through the twelfth grade level.**

**3. Any district adopting and providing a program of instruction pursuant to this section shall be entitled to receive state aid pursuant to section 163.031, RSMo. If such aid is determined by the department to be insufficient to implement any program or programs adopted by a district pursuant to this section:**

**(1)** The department may fund the program or programs adopted pursuant to this section or pursuant to subsection 2 of section 160.530, RSMo, or both, after securing any funding available from alternative sources[.]; **and**

**(2)** School districts may fund the program or programs from funds received pursuant to subsection 1 of section 160.530, RSMo, and section 166.260, RSMo.

4. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024] **chapter 536**, RSMo.

163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: **seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor;** seventy-five percent



of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

- 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP). \$..... .
- 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$.....
- Deductions 2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year..... \$.....
3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes)..... \$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes)..... \$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%..... \$.....

7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087.. \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo ..... \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo..... \$.....
10. Total deductions (sum of lines2-9)..... \$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration ..... \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration ..... \$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration..... \$.....
- 14(a). Free and reduced lunch eligible pupilcount for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration..... \$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration)- court-ordered state desegregation aid received by the district for operating purposes..... \$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration ..... \$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration..... \$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration ..... \$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17) ..... \$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) ..... \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.
8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.
9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid

on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 944, Page 18, Section 167.115.3, Line 38, by inserting before the word "pupil" the words "public school".

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 944, Page 28, Section 574.150, Line 15, by inserting after all of said lines the following:

**"Section 1. Any program providing child care to preschool or school age children that is located and operated on elementary or secondary public school property shall comply with the child care licensure provisions in chapter 210, RSMo; except that, for safety, health and fire purposes, any such program shall comply with the safety, health and fire provisions required of school districts in this state in lieu of the safety, health and fire provisions of chapter 210, RSMo. This section shall not apply to any extended day child care program pursuant to sections 167.290 to 167.310, RSMo, or any head start programs pursuant to sections 660.650 to 660.657, RSMo.";** and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### HOUSE BILLS ON THIRD READING

**HB 1396**, with **SCS**, introduced by Represen-tative Farnen, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to certain representatives on college and university boards, and to enact in lieu thereof eight new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

**SCS** for **HB 1396**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1396An Act to repeal sections 172.360, 174.620 and 175.021, RSMo 1994, and sections 172.020, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **HB 1396** be adopted, which motion prevailed.

Senator Johnson was recognized to close on the third reading and final passage of the bill.

President Pro Tem Quick referred **SCS** for **HB 1396** to the Committee on State Budget Control.

**HB 1363**, introduced by Representative Bray, et al, entitled:

An Act to repeal section 680.175, RSMo 1994, relating to transportation services, and to enact in lieu thereof one new

section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Quick.

On motion of Senator Quick, **HB 1363** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Schneider--2		
Absent with leave--Senators			
Bentley	Clay--2		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1948**, with **SCS**, introduced by Represen-tative Gratz, et al, entitled:

An Act to repeal section 304.180, RSMo 1994, and sections 301.010 and 304.200, RSMo Supp. 1999, relating to traffic regulations, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

**SCS** for **HB 1948**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1948An Act to repeal section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of the operation of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

President Wilson assumed the Chair.

Senator Staples moved that **SCS** for **HB 1948** be adopted, which motion prevailed.

On motion of Senator Staples, **SCS** for **HB 1948** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers

DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators

Bentley	Clay--2
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The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1706**, with **SCS**, was placed on the Informal Calendar.

**HS** for **HCS** for **HB 1076**, with **SCS**, was placed on the Informal Calendar.

**HS** for **HB 1603**, with **SCS**, was placed on the Informal Calendar.

**HB 1292**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1434**, with **SCA 1**, entitled:

An Act to repeal sections 316.203 and 316.209, RSMo Supp. 1999, relating to regulation of amusement rides, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

Was taken up by Senator Quick.

**SCA 1** was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **HCS** for **HB 1434**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Howard	Schneider--2
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The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HCS for HB 1967, with SCA 1, entitled:**

An Act to repeal sections 72.409 and 72.416, RSMo 1994, sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418 and 72.422, RSMo Supp. 1998, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418, 72.422 and 72.423, RSMo Supp. 1999, relating to boundary commissions in certain counties, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Scott.

**SCA 1** was taken up.

Senator Scott moved that the above amendment be adopted.

Senator Scott offered **SA 1** to **SCA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 1967, Page 1, Line 13, by striking "72.723" and inserting in lieu thereof the following: "72.423".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

**SCA 1**, as amended, was again taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1967, Page 16, Section 72.423, Line 36, by inserting immediately after said line the following:

**"321.223. 1. Notwithstanding any other provision of law to the contrary, any fire protection district within a county of the first classification with a charter form of government with a population of at least nine hundred thousand may contract with any municipality or village that does not operate their own fire department to provide fire protection services for a fee to any area of the municipality or village that does not belong to the fire protection district. In such event, the municipality and the fire protection district shall, by ordinance duly enacted by the governing board of each, agree upon the terms which such fire protection shall be furnished. The agreement may provide for the payment of a stated sum per year upon any method of compensation for such fire protection that is agreed upon by the fire district and the municipality entering into such contract; provided that any contract for a period longer than five years shall have no binding force until ratified by a majority of**

the voters in the fire district and the municipality entering into such a contract.

2. If the fire protection district is authorized to provide ambulance service within its district, the fire protection district may also provide ambulance service to the municipality, upon such terms as the fire district and the municipality may agree, which are not inconsistent with any requirement of subsection 1 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HCS** for **HB 1967**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators			
Bentley	Clay--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Flotron	Schneider--3	
Absent with leave--Senators			
Bentley	Clay--2		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1292**, with **SCS**, introduced by Represen-tative Auer, entitled:



An Act to amend chapter 376, RSMo, relating to health insurance by adding thereto one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Jacob.

SCS for **HB 1292**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1292An Act to repeal sections 375.017, 375.126, 375.1168, 375.1176, 375.1182 and 384.043, RSMo 1994, and sections 317.001, 375.1220, 376.1361 and 461.051, RSMo Supp. 1999, and to enact in lieu thereof thirteen new sections relating to insurance.

Was taken up.

Senator Jacob moved that SCS for **HB 1292** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting immediately at the end of said line the following:

**"Section 1. For the purposes of this section, health care provider or provider shall mean a licensed health care professional as defined by section 376.1350, RSMo. Any health carrier as defined by section 376.1350, RSMo, shall:**

**(1) Reimburse health care providers equally for the same or similar services performed within their scope of practice; and**

**(2) Not discriminate against any health care provider or group of providers based on licensure, or limit or restrict the diagnosis, treatment or management of the same or similar condition, injury, complaint, disorder or ailment while acting within their scope of practice."; and**

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion failed.

Senator Stoll assumed the Chair.

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1292, Page 6, Section 375.1168, Line 6, by striking the words "or to" and inserting in lieu thereof the following: **"nor shall"**; and further amend line 7, by inserting immediately after the word "receiving" the following: **"substantial"**; and further amend line 8, by inserting immediately after the word "assets" the following: **"be related within the second degree by blood or by marriage to the rehabilitator or special deputy rehabilitator"**; and further amend line 9, by inserting immediately after the word "rehabilitation" the following: **"unless the court determines that such dual appointment will contribute to conserving the assets of the insurer"**; and

Further amend said bill, Page 7, Section 375.1168, Lines 34-36, by striking all of said lines and inserting in lieu thereof the following: **"may prescribe, the court shall consider anticipated costs and benefits. The court may impose"**;

and further amend lines 38-39, by striking all of said lines and inserting in lieu thereof the following: "**the conservation of the insurer's assets.**"; and further amend line 43, by inserting immediately after the word "rehabilitation" the following: "**unless an extended period for filing the plan is approved by the court**"; and

Further amend said bill, Page 8, Section 375.1168, Lines 62-65, by striking all of said lines and inserting in lieu thereof the following:

**"7. Any appeal by the rehabilitator to the court of appeals or the supreme court of a lower court opinion or order releasing the company in rehabilitation from that rehabilitation may be taken only if the rehabilitator and the attorney general both agree, after consultation, that an appeal is appropriate."**; and

Further amend said bill, Page 9, Section 375.1176, Line 20, by striking the word "and" and inserting in lieu thereof the following: "**. The special deputy**"; and further amend line 21, by inserting immediately after the word "insurer" the following: "**unless the court determines that such appointment will contribute to conserving the assets of the insurer**"; and

Further amend said bill, Page 11, Section 375.1182, Line 6, by striking the word "or to" and inserting in lieu thereof the following: "**nor shall**"; and further amend line 7, by inserting immediately after the word "receiving" the following: "**substantial**"; and further amend said line, by inserting immediately after the word "assets" the following: "**be related to within the second degree by blood or by marriage to the liquidator**"; and

Further amend said bill, Page 15, Section 375.1182, Lines 148-151, by striking all of said lines and inserting in lieu thereof the following:

**"7. Any appeal by the liquidator to the court of appeals or the supreme court of a lower court's refusal to approve a petition to liquidate the company may be taken only if the liquidator and the attorney general both agree, after consultation, that an appeal is appropriate."**

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1292, Page 1, Section A, Line 5, by inserting after all of said line the following:

"190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; [and]

(2) Ordered by a physician or set forth in protocols approved by the medical director; **and**

**(3) In an emergency situation providing pre-hospital care, during emergency care in an emergency department of a health care facility, or inter-hospital and non-emergency transports notwithstanding other provisions of law.**

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The department shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator House offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

**"Section 1. There shall be a faculty representative to the board of curators or the board of regents in each educational campus referred to in section 172.010, RSMo, section 174.020, RSMo, section 174.601, RSMo and section 175.010, RSMo, to be appointed and serve in the same manner as provided in sections 172.035 and 172.037, RSMo, except that the provisions of subsections 2, 5, 7 and 8 of section 172.035, RSMo, shall not apply to faculty representatives, and shall further be permitted to participate in any insurance plan offered to other board members."; and**

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Westfall raised the point of order that **SA 4** is out of order as it goes beyond the scope and intent of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 335.018, Line 1, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators DePasco, Klarich, Kenney and Jacob.

Senator Stoll assumed the Chair.

**SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Graves
Johnson	Kenney	Kinder	Mueller
Rohrbach	Russell	Schneider	Singleton
Westfall--13			
NAYS--Senators			
Bland	Carter	Caskey	DePasco
Flotron	Goode	House	Jacob
Klarich	Mathewson	Maxwell	Scott
Sims	Staples	Steelman	Stoll
Wiggins	Yeckel--18		
Absent--Senators			
Howard	Quick--2		
	Absent with leave--Senator Clay--1		

Senator Klarich offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1292, Page 6, Section 375.017, Line 47, by inserting immediately after all of said line the following:

"5. Notwithstanding any other provision of law to the contrary, information regarding compensation of any private citizen except insurance receiverships contained within a statement required to be filed pursuant to section 376.350 or 379.105, RSMo, and records maintained pursuant to subdivision (2) of subsection 1 of section 374.085, RSMo, shall not be subject to disclosure to any person other than employees of the department."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 1292, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of [his record of] that patient's [health history and treatment rendered to the person submitting a written request,] **medical records** except that [such] **the right to receive such records** shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28,

1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a [handling] **search and retrieval** fee of [fifteen] **twenty** dollars, **postage and shipping**, plus a fee [of thirty-five cents per page] for copies of documents made on a standard photocopy machine **as follows**:

**(1) 1-25 pages \$1.00 per page;**

**(2) 26-100 pages \$ .50 per page;**

**(3) 101 or more pages \$ .35 per page.**

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

**4. Beginning January 1, 2002, the limitation on the fees provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the fees shall be calculated by the director of the department of insurance, which shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register by March first of each year.**

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]" ; and

Further amend the title and enacting clause accordingly."

Senator Kenney moved that the above amendment be adopted.

Senator Steelman offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for House Bill No. 1292, Page 2, Section 191.227, Line 8 of said amendment, by inserting after all of said line the following:

**"5. No officer or employee of a public entity may instruct or request another employee of that public entity to refuse to give evidence or information to any person or persons seeking information in regards to pending litigation unless that public entity is a party to pending litigation involving the same parties or subject matter. To do so would be a Class D felony. And any party to a pending litigation that is required to utilize legal process to discover information as a result of an employee of a public entity's refusal to provide willingly provide information may recover all costs including attorney's fees and depositions costs."**

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 1** to **SA 7** was withdrawn.

**SA 7** was again taken up.

Senator Schneider raised the point of order that **SA 7** is out of order as it goes beyond the scope of the bill as it adds a new subject matter.

The point of order was referred to the President Pro Tem.

At the request of Senator Schneider, his point of order was withdrawn.

**SA 7** was again taken up.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

**"Section 1. No officer or employee of a public entity may instruct or request another employee of that public entity to refuse to give evidence or information to any patient or former patient of said entity seeking information in regards to pending litigation involving said patient unless that public entity is a party to pending litigation involving the same parties or subject matter. To do so would be an infraction. And any party to a pending litigation that is required to utilize legal process to discover information as a result of an employee of a public entity's refusal to provide willingly provide information may recover all costs including attorney's fees and depositions costs.";** and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

**"Section 1. For the purposes of chapter 288, RSMo, a positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, shall be deemed misconduct connected with work if the claimant works in, around or with heavy equipment or if the nature of the claimant's work could place the safety of other employees or the public at risk, including but not limited to, the operation of any motor vehicle or power driven machinery.";** and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Russell offered **SSA 1** for **SA 9**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1

#### FOR SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1292, Page 20, Section 461.051, Line 20, by inserting after all of said line the following:

**"Section 1. For the purposes of chapter 288, RSMo, a positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, shall be deemed misconduct connected with work.";** and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above substitute amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 317.019, Line 10, by inserting after all of said line the following:

"320.094. 1. The state treasurer shall annually transfer an amount prescribed in subsection 2 of this section out of the state revenues derived from premium taxes levied on insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest earned from investment of moneys in the fund shall be credited to the fund. The state treasurer shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fire education fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

2. Beginning July 1, [1998, three] **2000, five tenths of one** percent of the amount of premium taxes collected in the immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are deposited in the general revenue fund [that exceeds the amount of premium taxes which were deposited in the general revenue fund in the 1997 fiscal year] shall be transferred from the general revenue fund to the credit of the fire education fund. [At the end of each fiscal year, the commissioner of administration shall determine the amount transferred to the credit of the fire education fund in each fiscal year by computing the premium taxes deposited in the general revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year.] An amount equal to [three] **five tenths of one** percent [of the increase] computed pursuant to this section shall be transferred by the state treasurer to the credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one million five hundred thousand dollars **provided however that each fiscal year the first three hundred thousand dollars transferred to the fire education fund shall be utilized for fire education. The next five hundred thousand dollars shall be deposited into the fire district equipment fund established as a subaccount of the fire district education fund in this section. Any additional funds within the limit of one million five hundred thousand dollars as provided in this section shall be deposited into the fire education fund for fire education purposes.**

3. There is hereby established a special trust fund, to be known as the "Missouri Fire Education Trust Fund", which shall consist of all moneys transferred to the fund from the fire education fund pursuant to this subsection and any earnings resulting from the investment of moneys in the fund. Each fiscal year, an amount equal to forty percent of the moneys transferred to the fire education fund shall be transferred by the state treasurer to the credit of the Missouri fire education trust fund. The fund shall be administered by a board of trustees, consisting of the state treasurer, two members of the senate appointed by the president pro tem of the senate, two members of the house of representatives appointed by the speaker of the house, and two members appointed by the governor with the advice and consent of the senate. Any member appointed due to such person's membership in the senate or house of representatives shall serve only as long as such person holds the office referenced in this section. The state treasurer shall invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys in the fund shall be used solely for the purposes described in this section, but such appropriations shall be made only if the board recommends to the general assembly that such moneys are needed in that fiscal year to adequately fund the activities described in this section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys in the fund can adequately support the activities described in this section, as determined by the board. At such time, the board may recommend that the general assembly adjust or eliminate the funding mechanism described in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

4. The moneys in the fire education fund, after any distribution pursuant to subsection 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training Institute and the institute shall use the moneys received under this subsection to coordinate education needs in cooperation with community colleges, colleges, regional training facilities, and universities of this state and shall provide training and continuing education to firefighters in this state relating to fire department operations and the personal safety of firefighters while performing fire department activities. Programs and activities funded under this subsection must be approved by the Missouri fire education commission established in subsection 5 of this section. These funds shall primarily be used to provide field education throughout the state, with not more than two percent of funds under this subsection expended on administrative costs.

5. There is established the "Missouri Fire Education Commission", to be domiciled in the division of fire safety within the department of public safety. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate, consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one full-time firefighter employed by a recognized fire department or fire protection district, one firefighter training officer, one person serving as the chief of a volunteer fire protection association, and one chief fire officer from a recognized fire department or fire protection district. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of four years, two shall have a term of three years and one shall have a term of two years. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause. The members shall at their initial meeting select a chairman. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. The commission shall meet at least quarterly at the call of the chairman and shall review and determine appropriate programs and activities for which funds may be expended under subsection 4 of this section.

**6. (1) There is hereby established, as a subaccount of the fire education fund as established in this section, the "Fire District Equipment Fund", which shall be maintained and accounted for separately, and which shall consist of all moneys transferred pursuant to subsection 2 of this section and from all lawful public and private sources. Moneys in the subaccount shall be used to provide funds to fire protection districts and volunteer fire protection associations serving an area having a population of less than ten thousand. Moneys in the subaccount may be used only for purposes as are authorized by the Missouri Fire Education Commission and the Missouri Division of Fire Safety.**

**(2) The fire education training commission shall annually prepare an intended use plan for the funds available in the subaccount.**

**(3) The division of fire safety with approval by the fire education training commission may make direct grants to aid in funding equipment of any fire protection district or volunteer fire protection association as defined in this chapter with a population of less than ten thousand. The grants may be made to organizations with a population of less than ten thousand to assist in financing the purchase of fire equipment. Such grants may be made to supplement funds from loan proceeds or other private or public sources.**

**(4) Such organizations shall first apply with the division of fire safety for a grant. The division of fire safety shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the secretary of state. The division of fire safety shall adopt rules necessary to implement the grant program established pursuant to this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo. Such rules shall contain, but shall not be limited to the following criteria:**

**(a) The type of equipment requested by the fire protection district or volunteer fire protection association;**



- (b) The urgency and importance of such equipment to a district or association;**
- (c) The cost of the equipment requested by the fire district or volunteer fire protection association; and**
- (d) The financial resources of the fire district or volunteer fire protection association.**
- (5) All grant determinations made by the division of fire safety shall be final."; and**

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 11:**

#### SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 335.018, Line 7, by adding on said line following the word "nursing" "or criteria for certified medical technologist established by the Board of Healing Arts."; and

Further on line 8, following "2" by adding "(A)"; and

Further following line 13, add:

"2. (B) The Missouri Board of Healing Arts shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional surgical technologist certificates will be recognized for registered surgical technologists.".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 12:**

#### SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 1292, Page 3, Section 335.018, Line 19, by inserting immediately after said line the following:

**"354.606. 1. This act shall be known as the "Patient Freedom Act of 2000".**

**2.** A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

[2.] **3.** Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by including a provision substantially similar to the following:

"Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier's enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a

specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person."

[3.] **4.** Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier's or intermediary's insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee's discharge from an inpatient facility, whichever time is greater.

[4.] **5.** The contract provisions satisfying the requirements of subsections [2 and] 3 **and 4** of this section shall:

(1) Be construed in favor of the enrollee;

(2) Survive the termination of the contract regardless of the reason for termination, including the insolvency of the health carrier; and

(3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections [2 and] 3 **and 4** of this section.

[5.] **6.** In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider's contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

[6.] **7.** (1) A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

(a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization; **or**

**(c) Deny a health care professional the opportunity to become a participating provider if such health care professional satisfies all of the selection standards established by the health carrier, and if the health care professional is willing to accept the plan's operating terms and conditions, its schedule of fees, covered expenses, utilization regulations and quality standards.**

(2) Paragraphs (a), [and] (b) **and (c)** of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.

(3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.

[7.] **8.** A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.

[8.] **9.** A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.

[9.] **10.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.

[10.] **11.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.

[11.] **12.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.

[12.] **13.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.

[13.] **14.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.

[14.] **15.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.

[15.] **16.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.

[16.] **17.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.

[17.] **18.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[18.] **19.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[19.] **20.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or sections 354.600 to 354.636."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 13**:

#### SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Bill No. 1292, page 16, Section 375.1220, Line 38, by inserting after all of said line the following:

**"376.1150. 1. Any new mandated health insurance coverage for specific health services, specific diseases or for**

certain providers of health care services approved by the general assembly shall apply only to the Missouri consolidated health care plan established in chapter 103, RSMo, for a period of at least one year beginning with the first anniversary date of the Missouri consolidated health care plan subsequent to the approval of the mandate by the general assembly. On or before March first, after the one-year period for which the mandate has been applied, the board of trustees of the Missouri consolidated health care plan shall submit to the president pro tem of the senate and the speaker of the house of representatives a report indicating the impact such mandated coverage has had on the Missouri consolidated health care plan, including data on the utilization and costs of such mandated coverage. Such report shall also include a recommendation on whether such mandated coverage should continue for the Missouri consolidated health care plan or whether additional utilization and cost data is required.

2. The general assembly shall periodically review all health insurance coverages mandated by state law."; and  
Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Bill No. 1292, Page 18, Section 376.1361, Line 93, by adding the following:

"(7) The coverage status and benefits in these sections must be given when requested within 72 hours; if not given, coverage shall be guaranteed for a 30 day period from date requested."

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Klarich, Rohrbach and Wiggins.

SA 14 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Kenney
Mathewson	Mueller	Russell	Schneider
Sims	Singleton	Staples	Steelman
Westfall	Yeckel-- 14		
NAYS--Senators			
Carter	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Kinder	Klarich	Maxwell	Quick
Rohrbach	Stoll	Wiggins-- 15	
Absent--Senators			
Bland	Ehlmann	Johnson	Scott-- 4
Absent with leave--Senator Clay-- 1			

Senator Singleton offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Bill No. 1292, Page 18, Section 376.1361, Line 93, by inserting immediately after said line the following:

"376.1405. 1. Every health insurance carrier offering policies of insurance in this state shall use the explanation

of Medicare benefits Part B (EMOB) form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

**2. All health insurance carriers shall use the explanation of Medicare benefits Part B (EMOB) form after January 1, 2002.**

**376.1406. 1. Every health care provider and health carrier that conducts business in this state by contract shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.**

**2. The referral form developed by the task force as established in section 376.1408 shall contain the following:**

- (1) The name of the insured;**
- (2) Place of employment;**
- (3) The name, address and phone number of the health carrier;**
- (4) The identification number and group number of the insured;**
- (5) The type of referral;**
- (6) The name, address and phone number of the health care provider referring the insured;**
- (7) The name, address, and phone number of the health care provider of whom the insured was referred to;**
- (8) The number of visits requested and authorized; and**
- (9) The health carrier's authorization number.**

**3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.**

**376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by section 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:**

- (1) Three health care providers;**
- (2) Three representatives from the insurance industry; and**
- (3) Three members from the general public.**

**2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.**

**3. The department of insurance shall have the task force established by January 1, 2001."; and**

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Yeckel offered **SA 1** to **SA 15**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for House Bill No. 1292, Pages 2-3, Section 376.1408, Line 21, by deleting said section, and inserting in lieu thereof the following:

**"376.1408. 1. The department of insurance shall establish a task force to study standardized information for the explanation of benefits given to health care providers in order to determine the necessity of developing a standardized form. The task force shall consist of the following members:**

- (1) Three health care providers;**
- (2) Three representatives from the insurance industry to include an individual carrier; a small group carrier, and a large group carrier;**
- (3) Three representatives from the business community to include at least one from a small business employing 3 to 25 persons and at least one from a large employer of 50 or more persons;**
- (4) One member from the general public;**

**2. No member of the task force shall receive compensation for the performance of duties related task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties;**

**3. The department of insurance shall have the task force established by January 1, 2003."**

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

**SA 15**, as amended, was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Jacob moved that **SCS** for **HB 1292**, as amended, be adopted, which motion prevailed.

Senator Jacob was recognized to close on passage of the bill.

President Pro Tem Quick referred **SCS** for **HB 1292**, as amended, to the Committee on State Budget Control.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **SCS** for **HCS** for **HB 1110**, as amended, be unbound from the House position which bound the conferees to the conference report for Section 10.110 and Section 10.415, and that the House conferees be allowed to exceed the difference between the two Houses on **SCS** for **HCS** for **HB 1110**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1659**, as amended, and has again taken up and passed **SCS** for **HB 1659**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1808**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1568** and has again taken up and passed **SCS** for **HB 1568**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 881**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1848** and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HB 1110**, as amended, and has taken up and passed **CCS No. 2** for **HB 1110**.

### **PRIVILEGED MOTIONS**

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1808**, as amended, and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE**

#### **APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1808**, as amended: Senators Scott, Mathewson, DePasco, Klarich and Kinder.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 881**, as amended: Senators Wiggins, Scott, Caskey, Sims and Yeckel.

### **PRIVILEGED MOTIONS**

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SB 944**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Carter moved that the Senate refuse to recede from its position on **SCS** for **HB 1848** and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE**

#### **APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House

on **SCS** for **HB 1848**: Senators Carter, Bland, Scott, Sims and Yeckel.

President Wilson assumed the Chair.

**HOUSE BILLS ON THIRD READING**

**HB 1452**, with **SCS**, was placed on the Informal Calendar.

**PRIVILEGED MOTIONS**

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1110**, as amended, submitted the following conference committee report no. 2:

**CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE BILL No. 1110**

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1110.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 1110.
- 3. That the attached Conference Committee Substitute No. 2 for House Bill No. 1110, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Dick Franklin

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Joe Maxwell /s/ Vicky Riback Wilson

/s/ John T. Russell /s/ Charlie Shields

/s/ Morris Westfall /s/ Jewell Patek

Senator Goode moved that the above conference committee report no. 2 be adopted and that the Senate conferees be allowed to exceed the differences, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Graves	Singleton--3	



Absent with leave--Senator Clay--1

On motion of Senator Goode, **CCS NO. 2** for **HB 1110**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE BILL No. 1110**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

**YEAS--Senators**

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

**NAYS--Senators--None**

**Absent--Senators--None**

**Absent with leave--Senator Clay--1**

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HS** for **HB 2011**--Ways and Means.

**HB 1159**--Ways and Means.

**HS** for **HCS** for **HB 1888**--Education.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1111** and has taken up and passed **CCS** for **HB 1111**, as amended by Conference Committee Amendment No. 1.

**HOUSE BILLS ON THIRD READING**

**HB 1452**, with **SCS**, introduced by Represen-tatives Foley and Levin, entitled:

An Act to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust.

Was called from the Informal Calendar and taken up by Senator DePasco.

**SCS** for **HB 1452**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1452An Act to amend chapters 143 and 208, RSMo, by adding thereto three new sections relating to tax deductions and credits.

Was taken up.

Senator DePasco moved that **SCS** for **HB 1452** be adopted.

Senator Sims offered **SS** for **SCS** for **HB 1452**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1452

An Act to amend chapter 143, RSMo, and chapter 208, RSMo, by adding thereto two new sections relating to restitution to victims of the Nazi Holocaust, which motion prevailed.

Senator Sims moved that **SS** for **SCS** for **HB 1452** be adopted.

Senator Kenney raised the point of order that **SS** for **SCS** for **HB 1452** is out of order in that it attempts to return the language to that of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SS** for **SCS** for **HB 1452** was again taken up.

Senator Sims moved that **SS** for **SCS** for **HB 1452** be adopted, which motion prevailed.

On motion of Senator DePasco, **SS** for **SCS** for **HB 1452** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Clay--1			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1112** and has taken up and passed **CCS** for **HB 1112**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1120** and has taken up and passed **CCS** for **HB 1120**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1742** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1742**.

### CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1111**, as amended, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON

#### HOUSE BILL No. 1111

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1111.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1111.
3. That the attached Conference Committee Substitute for House Bill No. 1111, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Dick Franklin

/s/ Harry Wiggins /s/ Charles Q. Troupe

/s/ Joe Maxwell /s/ Glenda Kelly

/s/ John T. Russell /s/ Charlie Shields

/s/ Morris Westfall /s/ Pat Kelley

Senator Goode offered **CCA 1**:

## CONFERENCE COMMITTEE

### AMENDMENT NO. 1

Amend Conference Committee Substitute for House Bill No. 1111, Page 19, Section 11.255, Line 3, by deleting the words ", provided that such funds allocated to the Local Investment Commission shall only be provided to such Commission so long as 75% of such Commission's voting members are Missouri citizens"; and

Further amend said section, line 8, by deleting the words ", provided that such funds allocated to the Local Investment Commission shall only be provided to such Commission so long as 75% of such Commission's voting members are Missouri citizens"; and

Further amend said section, line 13, by deleting the words ", provided that such funds allocated to the Local Investment Commission shall only be provided to such Commission so long as 75% of such Commission's voting members are Missouri citizens"

FOR THE SENATE:

/s/ Wayne Goode

/s/ Harry Wiggins

/s/ Joe Maxwell

/s/ John T. Russell

/s/ Morris Westfall

Senator Goode moved that the above amendment be adopted and requested a roll call vote be taken.

**CCA 1** was adopted by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Clay--1

Senator Wiggins assumed the Chair.

Senator Goode moved that the conference committee report on **SCS** for **HCS** for **HB 1111** be adopted.

President Wilson assumed the Chair.

Senator Steelman offered a substitute motion, which was read:

SUBSTITUTE MOTION

That the Senate reject the Conference Committee Report on CCS/SCS/HCS/HB 1111 and request that the House grant further conference thereon, and the Senate conferees be instructed to support the Senate's position on SSA 1/SA 5/SCS/HCS/HB 1111.

Senator Steelman moved adoption of her substitute motion.

Senator Staples requested a roll call vote be taken on the substitute motion and was joined in his request by Senators Childers, Kenney, Steelman and Stoll.

The substitute motion made by Senator Steelman failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Steelman
Yeckel--9			
NAYS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Goode	Howard
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins--24
Absent--Senators--None			
Absent with leave--Senator Clay--1			

The conference committee report for **SCS** for **HCS** for **HB 1111** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider--2		
Absent with leave--Senator Clay--1			

On motion of Senator Goode, **CCS** for **HB 1111**, as amended by conference committee amendment no. 1, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1111

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Russell--1		
	Absent with leave--Senator Clay--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1112**, as amended, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON

#### HOUSE BILL No. 1112

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1112.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1112.
3. That the attached Conference Committee Substitute for House Bill No. 1112, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Dick Franklin

/s/ Harry Wiggins /s/ Timothy P. Green

/s/ Joe Maxwell /s/ Scott B. Lakin

/s/ John T. Russell /s/ Ken Legan

/s/ Morris Westfall /s/ Gary Burton

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Caskey	Howard	Kenney	Klarich
Steelman--5			
	Absent--Senators--None		
	Absent with leave--Senator Clay--1		

On motion of Senator Goode, **CCS** for **HB 1112**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1112

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Caskey	Howard	Kenney	Klarich
Steelman--5			

Absent--Senator Schneider--1

Absent with leave--Senator Clay--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1120**, as amended, submitted the following conference committee report:

## CONFERENCE COMMITTEE REPORT ON

### HOUSE BILL NO. 1120

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1120, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1120.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1120.
3. That the attached Conference Committee Substitute for House Bill No. 1120, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Dick Franklin

/s/ Harry Wiggins /s/ Timothy P. Green

/s/ Joe Maxwell /s/ Scott B. Lakin

/s/ John T. Russell /s/ Charlie Shields

/s/ Morris Westfall /s/ Ken Legan

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Rohrbach--1		



Absent--Senators--None

Absent with leave--Senator Clay--1

On motion of Senator Goode, **CCS** for **HB 1120**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1120

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Clay--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1742

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, with Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, and Senate Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1742, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1742;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson /s/ Steve Gaw

/s/ Danny Staples /s/ Don Koller

/s/ John E. Scott /s/ Timothy P. Green

/s/ John T. Russell /s/ Cindy Ostmann

/s/ Morris Westfall /s/ Jewell Patek

Senator Mathewson moved that the above conference committee report be adopted.

At the request of Senator Mathewson, the motion to adopt the conference committee report was withdrawn.

Senator Wiggins assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 881**, as amended: Representatives Hoppe, Auer, Scheve, Griesheimer and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1848**: Representatives Treadway, Foley, Barry, Holand and Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1808**, as amended: Representatives O'Toole, Franklin, Hagan-Harrell, Elliott and Foster.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 856**, entitled:

An Act to repeal sections 376.406 and 376.426, RSMo 1994, and sections 198.530, 354.603, 376.383, 376.893, 376.1350, 376.1361, 376.1367, 376.1400 and 376.1403, RSMo Supp. 1999, relating to the regulation of managed care, and to enact in lieu thereof seventeen new sections relating to the same subject.

With House Amendment No. 1 to House Substitute, House Substitute Amendment No. 1 for House Amendment No. 1,

House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part 1 adopted, Part 1, as amended adopted, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11 to Part 2 adopted, Part 2, as amended, adopted, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part 4 adopted, Part 4, as amended, adopted, House Amendment No. 1 to Part 5 adopted, Part 5, as amended, adopted.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 856 Page 15, Section 376.419, Line 21 by deleting the word "**Employment**" on said line and inserting in lieu thereof the word "Employee"; and

Further amend said bill, Pages 16-24, Section 376.426, by deleting all of said section from the bill; and

Further amend said bill, Page 41, Section 376.1406, Line 22, by deleting all of said line and inserting in lieu thereof the following: "**provider to whom the insured was referred**"; and

Further amend said bill, Page 43, Section 1, Lines 1-2, by deleting the following: "**or a continuing care community, as defined in section 197.305, RSMo,**"; and

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

##### FOR HOUSE AMENDMENT NO. 1

Amend Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 10, Section 376.383, Lines 14-23, by deleting all of said lines; and

Further amend said bill, Page 11, Section 376.383, Lines 1-18, by deleting all of said lines and inserting in lieu thereof the following:

**"addition to other remedies provided by law, a person who has filed a claim for reimbursement for a health care service, as defined in section 376.1350, may file a civil action against the health carrier for any violation of this section. If the court finds that a violation of this section has occurred, the court shall award to a prevailing plaintiff a penalty of fifty dollars per day from the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest."**

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

##### FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, Page 8, Section 354.603, Line 12, by inserting after said line the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multi-year group contracts need not comply until the expiration of their current multi-year term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this [act] **section**, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. [A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network.] **A health carrier shall not require as a condition to the coverage of the services of a participating obstetrician or a participating gynecologist that a covered person first obtain a referral from a primary care provider. The covered person shall, at all times, have direct access to the services of a participating obstetrician or a participating gynecologist of her choice within the provider network. For purposes of this subsection, an obstetrician or gynecologist is defined as a physician licensed pursuant to chapter 334, RSMo, and is board eligible or board certified by the American board of obstetricians and gynecologists. The services covered by this subsection shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician or gynecologist, including, but not limited to, diagnosis, treatment and referral. A health carrier shall not impose a surcharge, or additional copayments or deductibles upon any covered person who seeks or receives health care services pursuant to this subsection, unless similar surcharges, or additional copayments or deductibles are imposed for other types of health care services received within the network.** In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. [An obstetrician/ gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.]

5. Except for good cause, a health carrier shall be prohibited from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this [act] **section** shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this [act] **section** shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits [under] **pursuant to the provisions** of chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, [under] **pursuant to** section 287.135, RSMo."; and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

##### TO PART 1

Amend Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 11, Section 376.383, Line 18, by inserting immediately after said line the following:

**"7. In the event that any person licensed under section 190.001 to 190.245, RSMo, provides emergency transportation services to any enrollee or insured, the enrollee or insured's health carrier shall pay for such emergency transportation services within forty-five days after receipt for a claim for reimbursement. In the event that a health carrier does not have a contract in place with the licensed person providing such emergency transportation services, the health carrier will be obligated to pay the licensed person's usual and customary charge for the emergency service rendered."**

#### HOUSE AMENDMENT NO. 1

##### TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Line 21, by adding after the word "**services**" the following:

**"for which the health care professional is contracted to provide".**

#### HOUSE AMENDMENT NO. 2

##### TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856 Page 11, Section 376.384, Line 24, by deleting the word "**authorized**" and inserting in lieu thereof the word "**certified**".

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

##### FOR HOUSE AMENDMENT NO. 3

##### TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Lines 4-6, by deleting all of said lines and inserting in lieu thereof the following:

**"(3) Effective January 1, 2002, accept claims for reimbursement from health care providers that are filed electronically. Effective January 1, 2002, all claims for reimbursement filed with health carriers by health care providers that are submitted electronically shall be filed in a form and format specified by the Department of Insurance. The Department of Insurance shall promulgate rules specifying the form and format governing such electronic claims submission consistent with federal administrative simplification standards adopted pursuant to**

**the Health Insurance Portability and Accountability Act of 1996;**

**(4) Issue within 24 hours, for all claims filed electronically, confirmation of receiving a claim for reimbursement;" and**

Further amend said section by renumbering the subsequent subdivisions accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856 Page 13, Section 376.384, Line 11 by inserting after said line the following:

**"5. A health carrier shall issue to each enrollee an enrollee card which includes a telephone number for the plan, prescription drug information and a brief description of the enrollee's type of health care plan. Such description shall include, but not be limited to, terms such as preferred provider organization, point of service, health maintenance organization or indemnity plan. Such enrollee card shall be reissued upon any change in the enrollee's benefits or coverage that impacts the information included on the card."; and**

Further amend said bill, Page 13, Section 376.384, Line 12, by deleting the number "5" on said line and inserting in lieu thereof the number "6".

HOUSE AMENDMENT NO. 5

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 16, Section 376.419.3, Lines 1-5, by deleting all of said lines, and inserting in lieu thereof the following:

"Any contract between a health care provider and a health carrier entered into after the effective date of this section shall include a clause that states that each party shall be responsible for any and all claims, liabilities, damages or judgments which may arise as a result of its own negligence or intentional wrongdoing. Each party signatory to the contract shall hold harmless and indemnify the other party against any claims, liabilities, damages or judgments which may be asserted against, imposed upon or incurred by the other party as a result of the first party's negligence or intentional wrongdoing."

HOUSE AMENDMENT NO. 6

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 15, Section 376.419, Line 18, by deleting the period after the word "liability" and inserting in lieu thereof:

"except that nothing in this section shall be construed to apply to any clause in the contract prohibiting providers from balance billing the enrollee or his or her family for any amount in excess of the amount provided for in the contract between the provider and the carrier."

HOUSE AMENDMENT NO. 7

TO PART II

Amend Part II of the House Substitute for House Committee Substitute for Senate Bill No. 856, Page 15, Line 13, Section 376.406, by adding the following two new sections:

**"Section 1. The division of medical services shall use the same reimbursement rate for all pharmacies participating in the Medicaid program on a fee-for-services basis.**

**Section 2. No policy, contract or plan shall permit or mandate any difference in coverage or impose any different conditions, including, but not limited to, copayments, deductibles or coinsurance or the number of days for the supply of the drug, whether the prescription benefits are provided through direct contact with a pharmacy or by use of a mail order pharmacy so long as the provider selected is a participant in the plan involved."**

HOUSE AMENDMENT NO. 8

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384.3, Line 6, by inserting after said line, the following:

**"4. All providers shall provide access on the Internet a listing of all of the plans in which they participate. Such listing shall be kept current to provide consumers an up-to-date listing of which plans the provider services.";**  
and

Further amend said bill, by renumbering the remaining subsections accordingly.

HOUSE AMENDMENT NO. 9

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384, Line 11, by inserting after the word "understand," the following new section:

**"5. An Insurer shall, upon request, promptly provide information to policy holders regarding claims history, claim status, amounts paid, dates and related information.";** and

Re-number **5.** To **6** accordingly.

HOUSE AMENDMENT NO. 10

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384.2, Line 2, by striking the word "six" and inserting in lieu thereof the word "**twelve**".

HOUSE AMENDMENT NO. 11

TO PART II

Amend Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 14, Section 376.406, Line 21, by deleting the word "thirty-one" and inserting in lieu thereof the word "**ten**".

HOUSE AMENDMENT NO. 1

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 41, Section 376.1405, Line 2, by adding after said line the following:

**"4. Every health carrier shall after January 1, 2002 make formulary information available to participating pharmacists through the Internet or other electronic means. The department of insurance shall develop rules to implement the requirements of this subsection and to protect the proprietary rights of the health carrier."**

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 2

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 28, Section 376.1350, Lines 7-13, by deleting all of said lines and inserting in lieu thereof the following:

"(4) "Certification" **or "certifies"**, a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, [and] effectiveness, **and that the service is a covered benefit under the plan;**"; and

Further amend said bill, Page 38, Section 376.1361, Lines 20-24, by deleting all of said lines; and

Further amend said bill, Page 39, Section 376.1361, Lines 1-14, by deleting all of said lines and inserting in lieu thereof the following:

"provider or other authorized representative, [authorizes] **certifies** the provision of health care services.

13. If an authorized representative of a health carrier [authorizes] **certifies** the provision of health care services, the health carrier shall not subsequently retract its [authorization] **certification** after the health care services have been provided, or reduce payment for an item or service furnished in reliance on [approval] **such certification**, unless

(1) Such [authorization] **certification** is based on a material misrepresentation or omission about the treated person's health condition or the cause of the health condition; or

(2) The health benefit plan terminates before the health care services are provided; [or]

(3) The covered person's coverage under the health benefit plan terminates before the health care services are provided;  
**or**

**(4) The covered person's coverage under the health benefit plan has exceeded such person's annual or lifetime benefits limit."**

HOUSE AMENDMENT NO. 3

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 26, Section 376.893, Line 10, after the word "provide" insert: "**upon request**"; and

Further amend Page 27, Section 376.895, Line 12, after the word "provide" insert: "**upon request**".

HOUSE AMENDMENT NO. 4

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 38, Section 376.1361, Line 11, by adding after the word "the" the word "**dispensing**"; and



Further amend said bill, Page 38, Section 376.1361, Line 12, by deleting the words "**primary care physician**"; and

Further amend said bill, Page 38, Section 376.1361, Line 14, by deleting the word "**or**" and inserting in lieu thereof the word "**and**"; and

Further amend said bill, Page 38, Section 376.1361, Lines 15-17, by deleting said lines and inserting in lieu thereof the following:

**"(b) The health carrier shall notify the dispensing pharmacist and the enrollee when it modifies its formulary."**

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 5

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 24, after Line 23, by inserting immediately after said line the following:

**"376.815. No health carrier, as defined in section 376.1350 shall change its drug formulary except pursuant to FDA recommendation or at the beginning of each policy annual anniversary date. A health carrier, however, may add new prescription drugs to its formulary during such period. No health carrier shall increase an enrollee's co-payment, co-insurance or other out-of-pocket expense for formulary drugs except at the beginning of each policy annual anniversary date."**; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 31, Section 376.1350, Line 17, by inserting after the word "facility;" the following: "or any home medical equipment provider"; and

Further amend said section, Page 31, Line 19, by inserting after the word "**medication**" the following: "; or durable medical equipment".

HOUSE AMENDMENT NO. 7

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 42, Section 376.1408, Lines 9-10, by deleting said lines and inserting in lieu thereof the following:

**"(2) Three representatives from the insurance industry;**

**(3) Three members from the general public; and**

**(4) Three representatives from the employer community who have experience in selecting employer-provided health care plans, at least one of which should be a human resource director or benefits manager. In addition, each of the three employer representatives shall be selected from one of the following three categories, a business with fewer than twenty-five employees in this state, a business with more than twenty-five and fewer than one hundred employees in this state, and a business with more than one hundred employees in this state."**

HOUSE AMENDMENT NO. 8

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 26, Section 376.893.3(4), Line 12, by inserting after the period in said line, the following:

**"The provisions of this subsection shall only apply if the notice required by subsection 1 of this section contains the mailing address of both parents of a covered child.";** and

Further amend said bill, Page 27, Section 376.895, Line 15, by inserting after the period in said line, the following:

**"The provisions of this section shall only apply if the notice required by Section 376.893.1 contains the mailing address of both parents of a covered child."**

HOUSE AMENDMENT NO. 9

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 43, Section 2, Line 23, by inserting after said line, the following:

**"Section 2. No health care provider shall submit directly or through a billing service any bill or payment request to a patient until such time that the claim for services has been finally adjudicated, except that the provider may bill for any applicable deductible, copayment, or coinsurance."**

HOUSE AMENDMENT NO. 10

TO PART IV

Amend Part IV of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 39, Section 376.1361, Line 14, by adding after said line the following:

**"14. Any provider who knowingly submits false information to any health carrier for purposes of seeking authorization for coverage for services which would otherwise not be a covered benefit shall be guilty of fraud. Such acts may be reported as a fraudulent claim pursuant to 375.992 RSMo. In addition to other remedies provided by law, any carrier who has received false information described in this subsection, may file a civil action against the provider for any violation of this subsection. If the court finds that a violation of this section has occurred, the court shall award to the prevailing plaintiff fees and other expenses, in addition to any amount paid to the provider for services provided which were authorized based on the false information, if such services would otherwise not have been a covered benefit but for the reliance upon the false information. For the purposes of this section, "fees and expenses" includes reasonable attorneys fees, reasonable expenses of expert witnesses or any other cost which is found by the court to be reasonable for the preparation of the plaintiff's case."**

HOUSE AMENDMENT NO. 1

TO PART V

Amend Part V of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 1, In the Title and Section A, Lines 1-17, by amending the title and enacting clause according to the amendments adopted in parts 1-4.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 944**, as amended, and grants the Senate a conference thereon.

## CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 944**, as amended: Senators Caskey, Maxwell, Howard, Bentley and Westfall. **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 14, 2000 for your advice and consent:

Angela Heffner Robyn, 112 Belair Drive, Jefferson City, Cole County, Missouri 65109, as the Small Business Ombudsman, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Greg Johnston, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor, pursuant to his request, which motion prevailed.

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 5, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kelvin L. Simmons, Democrat, 2010 East 61st Terrace, Kansas City, Jackson County, Missouri 64130, as a member of the Public Service Commission, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Harold Crumpton, term expired.

Respectfully submitted,

MEL CARNAHAN

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

## **RESOLUTIONS**

Senator House offered Senate Resolution No. 1734, regarding the 1999-2000 St. Charles High School Concert Choir and Madrigal, St. Charles, which was adopted.

Senators House and Kenney offered Senate Resolution No. 1735, regarding Patricia Lynn Gore, Greenwood, which was adopted.

Senator Howard offered Senate Resolution No. 1736, regarding Mitchell Froman, Sr., Greenville, which was adopted.

Senator House offered Senate Resolution No. 1737, regarding Shane Duggin, Des Peres, which was adopted.

Senator Quick offered Senate Resolution No. 1738, regarding Nicholas Ryan Bromert, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1739, regarding Cliff Mullen, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1740, regarding Ben Heins, Liberty, which was adopted.

Senator Flotron offered Senate Resolution No. 1741, regarding Sachs Electric Company, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1742, regarding Scott Fisher, which was adopted.

Senator Howard offered Senate Resolution No. 1743, regarding Pamela Renee Kirkpatrick, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Howard introduced to the Senate, thirty-eight fourth grade students from Advance Elementary School and Donna Walker, Laura Wade, Maxine DeBrock, Kay White, Steve and Tammy Kennison, Anthony and Leslie Ladd, Mike and Jane Cato, Danielle Jordan, Debbie Welch, Michelle Mitchell, Kim Veale, Bill and Carleen Johns, Cynthia Patterson, Mike and Brenda Scott,

Donna Lingle, Liana Jenkins, Trish Irwin and Robyn Middleton, Advance.

Senator Howard introduced to the Senate, Mr. and Mrs. Mark Wethington and Shannon Lennon, Dexter.

Senator Westfall introduced to the Senate, Dr. Jim Blaine, M.D., Springfield.

On motion of Senator DePasco, the Senate adjourned until 6:00 p.m., Sunday, May 7, 2000.

## **SENATE CALENDAR**

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SIXTY-EIGHTH DAY-SUNDAY, MAY 7, 2000

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## FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &  
671-Mathewson, with SCS

### HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with  
SCS (Johnson)

(In Budget Control)

2. HS for HB 1615-Hosmer,  
with SCS (Caskey)

(In Budget Control)

3. HS for HCS for HBs  
1652 & 1433-Hoppe,  
with SCAs 1, 2, 3,

4, 5 & 6 (Caskey)

(In Budget Control)

4. HS for HCS for HBs

1677, 1675 & 1676-

Riback Wilson,

with SCS (Jacob)

(In Budget Control)

5. HS for HB 1238-Hoppe,  
with SCS (Mathewson)

6. HS for HCS for  
HB 1797-Gratz,  
with SCA 1 (Goode)

(In Budget Control)

7. HS for HCS for HBs 1172,  
1501, 1633, 1440, 1634,  
1177 & 1430-Davis (122nd),  
with SCS (Howard)

8. HS for HCS for HB  
1762-Williams (159th),  
with SCS (Caskey)

(In Budget Control)

9. HCS for HB 1144, with  
SCS (Johnson)

10. HJR 43-Barry, et al  
(House)

11. HS for HCS for HB  
1481-Smith (Maxwell)

(In Budget Control)

12. HCS for HB 1644, with  
SCS (Scott)

13. HS for HCS for HBs  
1215 & 1240-Smith,  
with SCS (Caskey)

(In Budget Control)

14. HB 1768-Ward, with  
SCS (Staples)

15. HB 1326-Mays (50th),  
with SCAs 1 & 2  
(Goode)

16. HS for HB 1728-Backer,  
with SCS (Flotron)  
(In Budget Control)

17. HS for HCS for HBs  
1489, 1488 & 1650-  
Kennedy, with SCS  
(Maxwell)

(In Budget Control)

18. HS for HCS for  
HB 1305-Rizzo,  
with SCS (DePasco)

19. HS for HCS for  
HB 1254-Kissell,  
with SCS (Maxwell)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)

SBs 584, 539, 630, 777,

796, 918 & 927-Bentley,

with SCS & SS for SCS

(pending)

SBs 599 & 531-Schneider,

with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with

SCS & SA 1 (pending)

SB 720-Caskey, with SS &

SA 3 (pending)

SB 729-House, with SCS &

SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with

SCS

SBs 807, 553, 574, 614,

747 & 860-Jacob, with

SCS, SS for SCS & SA 2

(pending)

SB 817-Stoll, with SCS

SBs 818 & 564-Maxwell and

Kinder, with SCS

SB 826-Jacob, et al, with

SCS, SS for SCS & SA 5



(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,

with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SB 1047-Rohrbach, with

SCS (pending)

SB 1048-Mathewson, with SCS

SJR 45 & 41-House, with

SCS (pending)

SJR 46-Goode, et al, with

SCS (pending)

SJR 47-Quick, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & point

of order (pending)

## HOUSE BILLS ON THIRD READING

HS for HCS for HB 1076-

Relford, with SCS (Stoll)

HB 1082-Crump, with SCS &

SA 1 (pending) (Childers)

SCS for HB 1292-Auer

(Jacob)

(In Budget Control)

SCS for HCS for HBs 1386

& 1086 (Maxwell)

(In Budget Control)

HS for HCS for HBs 1566 &

1810-Bray, with SCS (Scott)

HS for HB 1603-May

(108th), with SCS (Jacob)

HB 1706-Gambaro, et al,

with SCS (Clay)

HS for HCS for HJR 61-Van

Zandt, with SCS, SA 1

& SA 7 to SA 1

(pending) (Quick)

## CONSENT CALENDAR

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin

(Wiggins)

SCS for HB 1396-Farnen

(Johnson)

(In Budget Control)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 856-Maxwell, with HS

for HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended

SS for SB 813-House, with  
HCS, as amended

SB 881-Wiggins, with HS  
for HCS, as amended

SB 944-Caskey, with HCS,  
as amended

HCS for HB 1142, with SCS,  
as amended (Johnson)

HB 1591-Backer, with SCS  
(Howard)

HS for HCS for HB 1742-  
Koller, with SCS, as  
amended (Mathewson)

(House adopted CCR  
and passed CCS)

HB 1808-O'Toole, with SS  
for SCS, as amended (Scott)

HB 1848-Treadway, with  
SCS (Carter)

## RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

Reported from Committee

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House

SCR 43-Maxwell

SCR 41-Scott, with SCS

SCR 42-Rohrbach and  
Johnson, with SCA 1

HCR 22-Liese

HCR 27-Ross, et al

HCR 4-Kennedy and  
Thompson (Howard)

HCR 29-Graham (Jacob)

HCR 10-Auer, with SCA 1  
(Jacob)



# Journal of the Senate

## SECOND REGULAR SESSION

**SIXTY-EIGHTH DAY--SUNDAY, MAY 7, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

"The righteous....are in the hand of God." (Ecclesiastes 9:1)

Heavenly Father, in what has seemed to be a short weekend, we are safely back here to work and bring to conclusion this session. There is much to be done this week, Lord, and we will need Your strong hand to guide us. And we pray for Your help to have the confidence of making the right decisions we are expected to make. Watch over us this week and provide us the energy and wherewithal we will need. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 5, 2000, was read and approved.

Photographers from the Associated Press, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Clay--1

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 788**, entitled:

An Act to repeal section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, relating to whistleblower and related protections for employees, and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for a certain section.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 788, Page 11, Section 3, Line 11, by deleting the word "**nine**" and inserting in lieu thereof the word "**eleven**"; and

Further amend said bill, Page 11, Section 3, Line 13, by deleting the word "**one**" and inserting in lieu thereof the word "**two**"; and

Further amend said bill, Page 11, Section 3, Line 13, by deleting the word "**a**" found on said line; and

Further amend said bill, Page 11, Section 3, Line 14, by deleting the word "**representative**" and inserting in lieu thereof the word "**represen-tatives**"; and

Further amend said bill, Page 11, Section 3, Line 15, by deleting the word "**two**" and inserting in lieu thereof the word "**three**".

In which the concurrence of the Senate is respectfully requested.

#### PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to concur in **HS** for **HCS** for **SB 856**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Johnson moved that the Senate refuse to concur in **HS** for **HCS** for **SB 788**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mathewson moved that the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, be returned to the House of Representatives for the purpose of adopting the emergency clause on the Conference Committee Substitute.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

Senator Singleton offered a substitute motion that the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, be sent back to the House of Representatives, which motion failed.

Senator Mathewson renewed his motion that the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, be returned to the House of Representatives for the purpose of adopting the emergency clause on the Conference Committee Substitute, which motion prevailed.

#### HOUSE BILLS ON THIRD READING

**HS** for **HB 1603**, with **SCS**, entitled:



An Act to repeal section 407.820, RSMo 1994, and sections 407.815, 407.816, 407.822 and 407.825, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Jacob.

SCS for **HS** for **HB 1603**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 1603

An Act to repeal sections 407.820, 407.850 and 407.870, RSMo 1994, and sections 407.815, 407.816, 407.822, 407.825 and 621.053, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **HS** for **HB 1603** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 31, by inserting immediately after "2000" the following: ";

**(4) Nothing in this section shall prohibit a factory from providing wholesale financing or dealer financing in the form of capital loans, revolving lines of credit and mortgage loans. Additionally, nothing in this section shall prohibit a factory from providing retail and lease financing of motor vehicles through its franchised motor vehicle dealers. Nor does this section prohibit a factory's wholly owned finance company from selling repossessed or off-lease vehicles at auction in Missouri to franchised motor vehicle dealers".**

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Stoll assumed the Chair.

Senator Russell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 3, Section 407.815, Line 65, by inserting after the word "vessels" the following: "using pontoon flotation systems or those".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 2, Section 407.815, Lines 38-39, by striking all of said lines after the words "301, RSMo" and inserting a semicolon ";".

Senator Staples moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Childers offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 2, Section 407.815, Lines 32-33, by deleting said lines and inserting in lieu thereof the following:

"vehicles or used motor vehicles taken in trade of new motor vehicles or used motor vehicles purchased".

Senator Childers moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 2, Section 407.815, Lines 32-33, by deleting said lines and inserting in lieu thereof the following:

"vehicles or used motor vehicles taken in trade of new motor vehicles or used motor vehicles purchased"; and

Further amend said section, page 3, lines 62-66, by deleting said lines.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Flotron raised the point of order that the substitute amendment is out of order as it attempts to amend previously amended material.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

**SA 4** was again taken up.

Senator Childers moved that the above amendment be adopted.

Senator Kenney requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Childers, Flotron, Klarich and Mathewson.

**SA 4** failed of adoption by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Childers
DePasco	Goode	House	Howard
Jacob	Rohrbach	Scott	Westfall--12

NAYS--Senators

Caskey	Ehlmann	Flotron	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Russell	Schneider
Sims	Singleton	Steelman	Stoll

Wiggins	Yeckel--18
	Absent--Senators
Quick	Staples--2
	Absent with leave--Senators
Clay	Graves--2

Senator Mueller offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Pages 16-17, Section 407.825(17), Lines 260-269, by striking all of said lines and inserting in lieu thereof the following: "**(17) To fail to timely compensate the franchisee for parts used to rectify the franchisor's product or warranty defects or parts used in the delivery and preparations obligations. For purposes of this subdivision, compensation for parts shall be at a rate agreed upon by the two parties. If no agreement can be reached, then the rate of compensation shall be the same as previously provided to the franchisee for warranty work;**".

Senator Mueller moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 5** and was joined in his request by Senators Flotron, House, Howard and Mueller.

**SA 5** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Ehlmann	Flotron	Mueller
Rohrbach	Sims	Singleton	Westfall--8
	NAYS--Senators		
Bentley	Carter	Caskey	Childers
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Steelman	Stoll
Wiggins	Yeckel--22		
	Absent--Senators		
DePasco	Staples--2		
	Absent with leave--Senators		
Clay	Graves--2		

Senator Bland offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 5, Section 407.817, Line 86, by inserting after all of said line the following:

**"407.818. No franchisee shall have a posted labor rate for motor vehicle repairs of more than ten times the federal minimum wage.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Caskey, Childers, House and Sims.

**SA 6** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Carter	DePasco--3	
	NAYS--Senators		
Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Clay	Graves--2		

Senator Rohrbach offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 1, In the Title, Line 4, by striking the word "ten" in said line and inserting in lieu thereof the word "**nine**"; and

Further amend said Bill, Page 1, Section A, Line 3, by striking the word "ten" and inserting in lieu thereof the word "**nine**"; and

Further amend said Bill, Page 2, Section A, Line 4, by deleting "407.817," as it appears in said line; and

Further amend said Bill, Pages 2-3, Section 407.815(11), Lines 47-57, by striking all of said lines; and

Further amend said Bill, Pages 3-5, Section 407.817, Lines 1-86, by striking all of said lines.

Senator Rohrbach moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Childers, Howard, Steelman and Westfall.

**SA 7** failed of adoption by the following vote:

YEAS--Senators			
Childers	Mueller	Rohrbach	Singleton--4
NAYS--Senators			
Bentley	Bland	Carter	Caskey
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Russell	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
Absent--Senators			

Schneider	Staples--2
	Absent with leave--Senators
Clay	Graves--2

Senator Wiggins assumed the Chair.

At the request of Senator Jacob, **HS** for **HB 1603**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 944**, as amended: Representatives Smith, Davis 122, Hollingsworth, McClelland, Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 1434** and has again taken up and passed **HCS** for **HB 1434**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1142**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1142**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SRB 1001**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SRB 1002**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 1452** and has again taken up and passed **SS** for **SCS** for **HB 1452**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House of Representatives has adopted the Emergency Clause on **CCS** for **SCS** for **HS** for **HCS** for **HB 1742**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1948** and requests the Senate to recede from its position, or failing to do so, grant the House a conference

thereon.

President Pro Tem Quick assumed the Chair.

## REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HB 1305**, with **SCS**; and **HCR 22** to the Committee on State Budget Control.

## REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 1215** and **1240**, with **SCS**; **HS** for **HCS** for **HB 1481**; **HS** for **HCS** for **HB 1762**, with **SCS**; **HS** for **HCS** for **HB 1797**, with **SCA 1**; **HS** for **HCS** for **HBs 1677**, **1675** and **1676**, with **SCS**; **HS** for **HB 1615**, with **SCS**; and **HB 1443**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **HB 1499** and **HB 1579**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1946**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Monday, May 8, 2000.

## SENATE CALENDAR

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SIXTY-NINTH DAY-MONDAY, MAY 8, 2000

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## FORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &

671-Mathewson, with SCS

## HOUSE BILLS ON THIRD READING

1. HB 1443-Koller, with

SCS (Johnson)

2. HS for HB 1615-Hosmer,

with SCS (Caskey)

3. HS for HCS for HBs

1652 & 1433-Hoppe,

with SCAs 1, 2, 3,

4, 5 & 6 (Caskey)

(In Budget Control)

4. HS for HCS for HBs

1677, 1675 & 1676-

Riback Wilson,

with SCS (Jacob)

5. HS for HB 1238-Hoppe,

with SCS (Mathewson)

6. HS for HCS for

HB 1797-Gratz,

with SCA 1 (Goode)

7. HS for HCS for HBs

1172, 1501, 1633,

1440, 1634, 1177 &

1430-Davis (122nd),

with SCS (Howard)

8. HS for HCS for HB

1762-Williams (159th),

with SCS (Caskey)

9. HCS for HB 1144, with

SCS (Johnson)

10. HJR 43-Barry, et al

(House)

11. HS for HCS for HB

1481-Smith (Maxwell)

12. HCS for HB 1644, with

SCS (Scott)

13. HS for HCS for HBs

1215 & 1240-Smith,

with SCS (Caskey)

14. HB 1768-Ward, with

SCS (Staples)

15. HB 1326-Mays (50th),

with SCAs 1 & 2

(Goode)

16. HS for HB 1728-Backer,

with SCS (Flotron)

(In Budget Control)

17. HS for HCS for HBs 1489,



1488 & 1650-Kennedy,  
with SCS (Maxwell)  
(In Budget Control)

18. HS for HCS for  
HB 1305-Rizzo,  
with SCS (DePasco)  
(In Budget Control)

19. HS for HCS for  
HB 1254-Kissell,  
with SCS (Caskey)

20. HB 1499 & HB 1579-  
Hoppe, with SCS

21. HB 1946-Dougherty

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,  
834 & 832-Staples,  
with SCS (pending)  
SBs 584, 539, 630, 777,  
796, 918 & 927-Bentley,  
with SCS & SS for SCS  
(pending)

SBs 599 & 531-Schneider,  
with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with

SCS & SA 1 (pending)

SB 720-Caskey, with SS &

SA 3 (pending)

SB 729-House, with SCS &

SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with

SCS

SBs 807, 553, 574, 614,

747 & 860-Jacob, with

SCS, SS for SCS & SA 2

(pending)

SB 817-Stoll, with SCS

SBs 818 & 564-Maxwell and

Kinder, with SCS

SB 826-Jacob, et al, with

SCS, SS for SCS & SA 5

(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,

with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SB 1047-Rohrbach, with

SCS (pending)

SB 1048-Mathewson, with

SCS

SJR 45 & 41-House, with

SCS (pending)

SJR 46-Goode, et al, with

SCS (pending)

SJR 47-Quick, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & point

of order (pending)

## HOUSE BILLS ON THIRD READING

HS for HCS for HB 1076-

Relford, with SCS (Stoll)

HB 1082-Crump, with SCS &

SA 1 (pending) (Childers)

SCS for HB 1292-Auer

(Jacob) (In Budget Control)

SCS for HCS for HBs 1386

& 1086 (Maxwell)

(In Budget Control)

HS for HCS for HBs 1566 &

1810-Bray, with SCS (Scott)

HS for HB 1603-May (108th),

with SCS (pending) (Jacob)

HB 1706-Gambaro, et al,

with SCS (Clay)

HS for HCS for HJR 61-Van

Zandt, with SCS, SA 1

& SA 7 to SA 1

(pending) (Quick)

## CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin

(Wiggins)

SCS for HB 1396-Farnen

(Johnson)

(In Budget Control)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended

SS for SB 813-House, with  
HCS, as amended

SB 881-Wiggins, with HS  
for HCS, as amended

SB 944-Caskey, with HCS,

as amended

HCS for HB 1142, with SCS,

as amended (Johnson)

(House adopted CCR

and passed CCS)

HB 1591-Backer, with SCS

(Howard)

HS for HCS for HB 1742-

Koller, with SCS, as

amended (Mathewson)

(House adopted CCR

and passed CCS)

HB 1808-O'Toole, with SS

for SCS, as amended

(Scott)

HB 1848-Treadway, with

SCS (Carter)

#### Requests to Recede or Grant Conference

SB 788-Johnson, with HS

for HCS, as amended

(Senate requests House

recede or grant conference)

SB 856-Maxwell, with HS

for HCS, as amended

(Senate requests House  
recede or grant conference)

HB 1948-Gratz, et al,  
with SCS (Staples)  
(House requests Senate  
recede or grant conference)

## RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al Reported from Committee

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House

SCR 43-Maxwell

SCR 41-Scott, with SCS

SCR 42-Rohrbach and

Johnson, with SCA 1

HCR 22-Liese (House)

(In Budget Control)

HCR 27-Ross, et al

HCR 4-Kennedy and

Thompson (Howard)

HCR 29-Graham (Jacob)

HCR 10-Auer, with SCA 1

(Jacob)

SCR 26-Howard



# Journal of the Senate

## SECOND REGULAR SESSION

SIXTY-NINTH DAY--MONDAY, MAY 8, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Benjamin Franklin said: "Remember that time is money....waste neither time nor money, but make the best use of both." (July 21, 1748)

Gracious God, help us to feel that our time here is well spent and our years of effort here are not wasted for we have tried to do what you have provided for us to do. Let us be resolved to use every moment this week we have left in some way to further life for Missourians along the path You would have us take. And we pray for Margaret Towson that You may heal her lungs and bring her health once again. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senators Staples and Kinder offered Senate Resolution No. 1744, regarding the Honorable Jim Graham, Fredericktown, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HB 1396**, begs leave to report that it has considered the same and recommends that the bill do pass.

**HOUSE BILLS ON THIRD READING**

Senator Johnson moved that **SCS** for **HB 1396** be called from the Consent Calendar and again taken up.

Senator Wiggins assumed the Chair.

On motion of Senator Johnson, **SCS** for **HB 1396** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Childers	DePasco
Flotron	Goode	House	Howard
Johnson	Kenney	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Ehlmann	Graves
Jacob	Kinder	Maxwell--7	
Absent with leave--Senator Clay--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1443**, with **SCS**, introduced by Represen-tative Koller, entitled:

An Act to repeal section 144.030, RSMo Supp. 1999, relating to sales tax exemptions, and to enact in lieu thereof two new sections for the sole purpose of providing sales tax exemptions for admission fees for hunting and fees for sales of feed and equipment used for production of certain domestically raised pheasants, partridges, quail and ungulates.

Was taken up by Senator Johnson.

**SCS** for **HB 1443**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR**

**HOUSE BILL NO. 1443**

An Act to repeal sections 144.030 and 144.805, RSMo Supp. 1999, relating to sales tax exemptions, and to enact in lieu thereof four new sections for the purpose of providing sales and use tax.

Was taken up.

Senator Johnson moved that **SCS** for **HB 1443** be adopted.

Senator Johnson offered **SS** for **SCS** for **HB 1443**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1443

An Act to repeal section 144.030, RSMo Supp. 1999, relating to sales tax exemptions, and to enact in lieu thereof one new section for the sole purpose of providing sales tax exemptions for admission fees for hunting and fees for sales of feed and equipment used for production of certain domestically raised pheasants, partridges, quail and ungulates.

Senator Johnson moved that **SS** for **SCS** for **HB 1443** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Lines 19-25, by striking all of said lines.

Senator Scott moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by adding one new section to read as follows:

**"Section 1. The provisions of section 144.030(19) and (20) notwithstanding, any in-state sales made by or to religious and charitable organizations and institutions, which are located outside the state of Missouri, which in-state sales are made to the organizations and institutions for their religious, charitable or educational functions and activities, shall be exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 and from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo and sections 144.010 to 144.525 and 144.600 to 144.745 and the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in sections 32.085, RSMo, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745. For purposes of this section, a determination letter from the Internal Revenue Service determining that the religious or charitable organization is recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code from federal income tax shall be sufficient without further proof that sales made by or to the religious or charitable organization are exempt from the provisions of sections 144.010 to 144.525 and the local tax law as defined in section 32.085, RSMo, section 238.235, RSMo and sections 144.010 to 144.525 and 144.600 to 144.745.";** and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, page 16, Section 144.030, Line 25, by adding after said line the following:

"144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for:

(1) A county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

(2) An organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or

(3) Any institution of higher education supported by public funds or any private not for profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or

(4) Any private not for profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or

**(5) Any department or agency of the state**, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

(1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;

(2) The project location, description, and unique identification number;

(3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;

(4) The estimated project completion date; and

(5) The certificate expiration date. Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing

contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials."; and

Further amend the Title and Enacting Clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 1, In the Title, Lines 3-8, by striking lines 3-8 and inserting in lieu thereof the following: "tax relief, and to enact in lieu thereof two new sections with a referendum clause and an effective date for certain sections"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for [his] **such taxpayer's** federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. **(1)** For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for [his] **such taxpayer's** federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the

Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

**(2) For all tax years beginning on or after January 1, 2001, an individual taxpayer shall be allowed a deduction for such taxpayer's federal income tax liability pursuant to chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed three thousand dollars on a single taxpayer's return or six thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).**

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability [under] **pursuant to** chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which [he] **the taxpayer** was not previously entitled to a Missouri deduction is later paid or accrued, [he] **such taxpayer** may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend said bill, Page 9, Section 144.030, Line 301, by inserting after all of said line the following:

**"3. As of July 1, 2002, there is further specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to the provisions of sections 144.757 to 144.761, retail sales of food as defined in section 144.014. Any revenue lost by counties and political subdivisions shall be replaced by additional revenue derived from the reduction of the federal income tax deduction pursuant to subdivision (2) of subsection 2 of section 143.171, RSMo, which shall be deemed to be local tax revenue. The state treasurer shall deposit all additional state revenues derived from the reduction of the federal income tax deduction pursuant to subdivision (2) of subsection 2 of section 143.171, RSMo, less two percent for administrative costs, into the "Local Revenue Replacement Trust Fund" which is hereby created. The moneys collected shall be distributed by the director of revenue solely to counties and political subdivisions in the amount necessary to replace the revenue lost by each county and political subdivision as a result of the exemption provided in this subsection; and further, these moneys shall not be subject to appropriation. Any unexpended balance at the end of each biennium shall remain in the fund. The director of revenue is authorized to examine sales tax collection records for every county and political subdivision to estimate the amount of revenue derived by each county and political subdivision from its local sales tax on food and reimburse them for lost revenue accordingly."; and**

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Lines 22-25, by deleting all of said lines after the word "conservation" on line 22.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Graves offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 10, Section 144.030, Line 13, by removing after the word "and" the words "one-half of".

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by inserting the following:

**"(39) All sales of coffins, caskets, burial cases and burial vaults of less than five thousand dollars."**

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Maxwell offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

**"135.760. 1. For all taxable years beginning on or after January 1, 2001, a resident individual who is allowed a federal earned income tax credit pursuant to section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to two and one-half percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer or carried forward into any subsequent taxable year.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists.**

**4. Any tax credit allowed pursuant to this section shall be excluded from the calculation of Missouri adjusted gross income, as defined in section 143.121, RSMo."; and**

Further amend the title and enacting clause accordingly; and

Further amend said bill, page 1, in the title, lines 4-8, by striking all of said lines and inserting in lieu thereof "new section relating to the same subject"; and

Further amend said bill, page 1, in the title, line 3, by striking "sales tax exemptions" and inserting in lieu thereof "taxation".

Senator Maxwell moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 8** was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

Senator Flotron offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25 of said page, by inserting after all of said section the following:

**"144.815. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section the following terms shall mean:**

**(1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and**

**(2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins."; and**

Further amend the title, enacting clause, and intersectional references accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by inserting after all of said line the following:

**"139.031. 1. Any taxpayer may protest all or any part of any taxes assessed against [him] such taxpayer, except taxes collected by the director of revenue of Missouri. Any such taxpayer desiring to pay any taxes under protest shall, at the time of paying such taxes, file with the collector a written statement setting forth the grounds on which [his] such**



**taxpayer's** protest is based. The statement shall include the true value in money claimed by the taxpayer if disputed.

2. Upon receiving payment of taxes under protest pursuant to subsection 1 of this section or upon receiving notice of an appeal pursuant to section 138.430, RSMo, the collector shall disburse to the proper official all portions of taxes not disputed by the taxpayer and shall impound in a separate fund all portions of such taxes which are in dispute. Except as provided in subsection 3 of this section, every taxpayer protesting the payment of taxes shall, within ninety days after filing [his] **such taxpayer's** protest, commence an action against the collector by filing a petition for the recovery of the amount protested in the circuit court of the county in which the collector maintains [his] **an** office. If any taxpayer so protesting [his] **such taxpayer's** taxes shall fail to commence an action in the circuit court for the recovery of the taxes protested within the time prescribed in this subsection, such protest shall become null and void and of no effect, and the collector shall then disburse to the proper official the taxes impounded, and any interest earned thereon, as provided above in this subsection.

3. No action against the collector shall be commenced by any taxpayer who has, for the tax year in issue, filed with the state tax commission a timely and proper appeal of the protested taxes. Such taxpayer shall notify the collector of the appeal in the written statement required by subsection 1 of this section. The taxes so protested shall be impounded in a separate fund and the commission may order all or any part of such taxes refunded to the taxpayer, or may authorize the collector to release and disburse all or any part of such taxes in its decision and order issued pursuant to chapter 138, RSMo.

4. Trial of the action in the circuit court shall be in the manner prescribed for nonjury civil proceedings, and, after determination of the issues, the court shall make such orders as may be just and equitable to refund to the taxpayer all or any part of the taxes paid under protest, together with any interest earned thereon, or to authorize the collector to release and disburse all or any part of the impounded taxes, and any interest earned thereon, to the appropriate officials of the taxing authorities. Either party to the proceedings may appeal the determination of the circuit court.

5. All the county collectors of taxes, and the collector of taxes in any city not within a county, shall, upon written application of a taxpayer, [refund any real or tangible personal property tax mistakenly or erroneously paid in whole or in part to the collector, or shall] credit against the taxpayer's tax liability in the following taxable year **and subsequent consecutive taxable years until the credit is fully used** any real or personal property tax mistakenly or erroneously levied against the taxpayer and collected in whole or in part by the collector, **or, if the taxpayer has no tax liability to such collector in the immediately following taxable year, refund any balance remaining on real or tangible personal property tax mistakenly or erroneously paid in whole or in part to the collector.** Such application shall be filed within [one year] **three years** after the tax is mistakenly or erroneously paid. The governing body, or other appropriate body or official of the county or city not within a county, shall make available to the collector funds necessary to make refunds [under] **pursuant to** this subsection by issuing warrants **pro rata in the amount credited to each political subdivision** upon the fund to which the mistaken or erroneous payment has been credited, or otherwise.

6. [No] **A** taxpayer shall receive any interest **at the rate required by section 32.065, RSMo,** on any money paid in by [him] **such taxpayer** erroneously.

7. All protested taxes shall be invested by the collector in the same manner as assets specified in section 30.260, RSMo, for investment of state moneys. A taxpayer who is entitled to a refund of protested taxes shall also receive the interest earned on the investment thereof. If the collector is ordered to release and disburse all or part of the taxes paid under protest to the proper official, such taxes shall be disbursed along with the proportional amount of interest earned on the investment of the taxes due the particular taxing authority.

8. On or before March first next following the delinquent date of taxes paid under protest, the county collector shall notify any taxing authority of the taxes paid under protest which would be received by such taxing authority if the funds were not the subject of a protest. Any taxing authority may apply to the circuit court of the county or city not within a county in which a collector has impounded protested taxes [under] **pursuant to** this section and, upon a satisfactory showing that such taxing authority would receive such impounded tax funds if they were not the subject of a protest and that such taxing authority has the financial ability and legal capacity to repay such impounded tax funds

in the event a decision ordering a refund to the taxpayer is subsequently made, the circuit court shall order, pendente lite, the disbursal of all or any part of such impounded tax funds to such taxing authority. The circuit court issuing an order [under] **pursuant to** this subsection shall retain jurisdiction of such matter for further proceedings, if any, to compel restitution of such tax funds to the taxpayer. In the event that any protested tax funds refunded to a taxpayer were disbursed to a taxing authority [under] **pursuant to** this subsection instead of being held and invested by the collector [under] **pursuant to** subsection 7 of this section, such taxing authority shall pay the taxpayer entitled to the refund of such protested taxes the same amount of interest, as determined by the circuit court having jurisdiction in the matter, such protested taxes would have earned if they had been held and invested by the collector.

9. No appeal filed shall stay any order of refund, but the decision filed by any court of last review modifying the circuit court's or state tax commission's determination pertaining to the amount of refund shall be binding on the parties, and the decision rendered shall be complied with by the party affected by any modification within ninety days of the date of such decision. No taxpayer shall receive any interest on any additional award of refund, and the collector shall not receive any interest on any ordered return of refund in whole or in part."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 11**:

#### SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by inserting immediately after said line the following:

"149.015. 1. A tax shall be levied upon the sale of cigarettes at an amount equal to eight and one-half mills per cigarette, until such time as the general assembly appropriates an amount equal to twenty-five percent of the net federal reimbursement allowance to the health initiatives fund, then the tax shall be six and one-half mills per cigarette beginning July first of the fiscal year immediately after such appropriation. As used in this section, "net federal reimbursement allowance" shall mean that amount of the federal reimbursement allowance in excess of the amount of state matching funds necessary for the state to make payments required by subsection 1 of section 208.471, RSMo, or, if the payments exceed the amount so required, the actual payments made for the purposes specified in subsection 1 of section 208.471, RSMo.

2. The tax shall be evidenced by stamps which shall be furnished by and purchased from the director or by an impression of the tax by the use of a metering machine when authorized by the director as provided in this chapter, and the stamps or impression shall be securely affixed to one end of each package in which cigarettes are contained. All cigarettes must be stamped before being sold in this state.

3. Cigarette tax stamps shall be purchased only from the director. All stamps shall be purchased by the director in proper denominations, shall contain such appropriate wording as the director may prescribe, and shall be of such design, character, color combinations, color changes, sizes and material as the director may, by [his] rules and regulations, determine to afford the greatest security to the state. It shall be the duty of the director to manufacture or contract for revenue stamps required by this chapter; provided that if the stamps are contracted for, the manufacturer thereof shall be within the jurisdiction of the criminal and civil courts of this state, unless the stamps cannot be obtained in this state at a fair price or of acceptable quality. If stamps are manufactured outside of the state, the director shall take any precautions which he deems necessary to safeguard the state against forgery and misdelivery of any stamps. The director may require of the manufacturer from whom stamps are purchased a bond in an amount to be determined by him commensurate with the monetary value of the stamps, containing such conditions as he may deem necessary in order to protect the state against loss.

4. It shall be the intent of this chapter that the impact of the tax levied hereunder be absorbed by the consumer or user and when the tax is paid by any other person, the payment shall be considered as an advance payment and shall thereafter be added to the price of the cigarettes and recovered from the ultimate consumer or user with the person first

selling the cigarettes acting as an agent of the state for the payment and collection of the tax to the state, except that in furtherance of the intent of this chapter no refund of any tax collected and remitted by a retailer upon gross receipts from a sale of cigarettes subject to tax [under] **pursuant to** this chapter shall be claimed [under] **pursuant to** chapter 144, RSMo, for any amount illegally or erroneously overcharged or overcollected as a result of imposition of sales tax by the retailer upon amounts representing the tax imposed [under] **pursuant to** this chapter **and any such tax shall either be refunded to the person who paid such tax or paid to the director. The director may assess any retailer for any tax illegally or erroneously overcharged or overcollected unless such tax has been refunded to the person who paid such tax.**

5. In making sales of cigarettes in the state, a wholesaler shall keep a record of the amount of tax on his gross sales. The tax shall be evidenced by appropriate stamps attached to each package of cigarettes sold, **provided however, that no such stamp need be attached to a package of cigarettes transported in the state between wholesalers unless and until such package is sold to a retailer or consumer.**

6. The tax on any cigarettes contained in packages of four, ten, twenty or similar quantities to be used solely for distribution as samples shall be computed on a per cigarette basis at the rate set forth in this section, and payment of the tax shall be remitted to the director at such time and in such manner as he may prescribe.

7. The revenue generated by the additional two mills tax imposed effective August 13, 1982, less any three percent reduction allowed [under] **pursuant to** the provisions of section 149.021, shall be placed in a separate fund entitled "The Fair Share Fund". Such moneys in the fair share fund shall be distributed to the schools in this state on an average daily attendance basis, except as provided in section 163.031, RSMo.

8. The revenue generated by the additional two mills tax imposed effective October 1, 1993, less any three percent reduction allowed [under] **pursuant to** the provisions of section 149.021, shall be deposited in the health initiatives fund created in section 191.831, RSMo. When the general assembly appropriates an amount equal to twenty-five percent of the net federal reimbursement allowance to the health initiatives fund, this subsection shall expire. The additional two mills tax levied [under] **pursuant to** this section shall not apply to an amount of stamped cigarettes in the possession of licensed wholesalers on October 1, 1993, up to thirty-five percent of the total cigarette sales made by such licensed wholesaler during the six months immediately preceding October 1, 1993."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered SA 12:

#### SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 1, In the Title, Lines 2-3, by striking the words 4-8, by striking all of said lines and inserting in lieu thereof the words "and to enact two new sections relating to the same subject"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

**"135.918. This section shall be known and may be cited as the "Missouri Agricultural Investment Tax Credit Act". For tax years beginning on or after January 1, 2000, but before December 31, 2004, an individual taxpayer who qualifies as a farmer pursuant to Section 6654(i)(2) of Title 26 of the Internal Revenue Code or a corporate taxpayer who qualifies as a farming corporation pursuant to chapter 350, RSMo, shall be allowed to claim a nonrefundable credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, in an amount equal to ten percent of the cost of any item which is allowable as an expensing election pursuant to Section 179 of the Internal Revenue Code for the same tax year. The tax credit allowed pursuant to this section shall not exceed five hundred dollars. An eligible taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return; provided that, a taxpayer who fails to timely file such taxpayer's return, including extensions, shall not be eligible for a credit**

**pursuant to this section. Any amount of credit that exceeds the tax due for a taxpayer's tax year may be carried back to any of the taxpayer's three prior tax years or carried forward to any of the taxpayer's five subsequent tax years. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.";** and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 13**:

#### SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 1, In the Title, Line 3 of said page, by striking "sales tax exemptions"; and inserting in lieu thereof the following: "taxation,"; and further amend line 3, by striking the word "one"; and further amend lines 4-8, by striking said lines and inserting in lieu thereof the following: "three new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

**"135.545. [A] The director of the department of economic development may authorize a taxpayer [shall be allowed] to receive a credit for taxes paid pursuant to chapter 143, 147 or 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, in an amount equal to up to fifty percent of a contribution to qualified [investment in] transportation development [for] projects, which can include aviation, mass transportation, including parking facilities for users of mass transportation, railroads, ports, including parking facilities and limited access roads within ports, waterborne transportation, bicycle and pedestrian paths, or rolling stock located in a distressed community as defined in section 135.530, and which are part of a development plan approved by the appropriate local agency. General purpose streets and roads are not eligible transportation development projects under this program. If the department of economic development determines [the investment has been so approved] that a project is eligible under this section, the department [shall] may grant [the] tax [credit in order of date received] credits to qualified taxpayers contributing to eligible projects. Not-for-profit entities, public entities or the public at large shall be the beneficiaries of projects under this program. Not-for-profit entities, including but not limited to, corporations organized pursuant to chapter 355, RSMo, shall be ineligible to be direct recipients of the tax credits authorized pursuant to this section. A taxpayer may carry forward any unused tax credit for up to [ten] five years and may carry it back for the previous three years until such credit has been fully claimed. Certificates of tax credit issued in accordance with this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department of economic development which names the transferee and the amount of tax credits transferred. The tax credits allowed pursuant to this section shall be for an amount of no more than [ten] eight million dollars for each year. [This credit shall apply to returns filed for all taxable years beginning on or after January 1, 1999.] Any unused portion of the tax credit authorized pursuant to this section shall be available for use in the future by those entities until fully claimed.**

**135.630. 1. As used in this section, the following terms shall mean:**

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**
- (2) "Director", the director of the department of social services;**
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

**(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;**

**(5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**

**(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**

**(b) Where childbirths are not performed; and**

**(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**

**(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**

**(e) Which provides its services at no cost; and**

**(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.**

**5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.**

**7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally**

apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

**8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.**

**9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000.";** and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 14**:

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by striking all of said lines and inserting in lieu thereof the following:

"144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo[,]:

**(a) All sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year and shall be exempt from taxation on the first one million dollars of sales tax or purchases other than aviation jet fuel; and**

**(b) Any common carrier engaged in the interstate air transportation of passengers and cargo which has a national corporate headquarters located in this state and uses as a hub for its operations an airport located within this state, and either purchases, stores, uses or consumes within this state less than three million gallons of aviation jet fuel per month on average throughout the calendar year shall be exempt from taxation on the first one hundred fifty thousand dollars on the purchase of aviation jet fuel.**

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable [to the aviation jet fuel so purchased, stored, used and consumed]. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year, **or up to the maximum aggregate**

**amount of one hundred fifty thousand dollars in each calendar year, whichever is applicable.** The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. [Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.

5.] The provisions of this section and section 144.807 shall expire on December 31, [2003] **2004**.

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per gallon. Such tax is to be collected and remitted to this state or paid to this state in the same manner and method and at the same time as is prescribed by chapter 142, RSMo, for the collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor vehicles upon the public highways of Missouri.

2. All applicable provisions contained in chapter 142, RSMo, governing administration, collection and enforcement of the state motor fuel tax shall apply to this section, including but not limited to reporting, penalties and interest.

3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails to apply for a refund as provided in chapter 142, RSMo, he makes a gift of his refund to the aviation trust fund.

**4. Effective from September 1, 1998 until December 31, 2006, all sales and use tax revenues upon aviation jet fuel received pursuant to chapter 144, RSMo, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, RSMo, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.**

305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the

aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to [eighty] **ninety** percent state/[twenty] **ten** percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the state commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education;



(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the Department of Defense, except no more than one hundred twenty-five thousand dollars per year may be used for any individual control tower.

5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri department of transportation. For projects designated as emergencies by the Missouri department of transportation, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Graves offered **SA 1 to SA 14**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 2, Line 6, by inserting after "year and" the following: ", **except as provided in subsection 4 of Section 155.080**"; and

Further amend said amendment, Page 2, Line 14, by inserting after the word "shall" the following: ", **except as provided in subsection 4 of section 155.080**"; and

Further amend said amendment, Page 4, Section 155.080, Line 19, by striking "2006" and inserting in lieu thereof "**2008**"; and

Further amend said amendment, Section and Page, Line 26, by striking "exceed five" and insert in lieu thereof the following: "**be less than that credited in fiscal year 2001 and shall not exceed six**".

Senator Graves moved that the above amendment be adopted, which motion prevailed.

**SA 14**, as amended, was again taken up.

Senator Ehlmann offered **SA 2 to SA 14**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 9, Section 144.805, Line 5, by inserting immediately after said line the following:

**"305.215. 1. It shall be unlawful for the state or any county, municipality, airport authority, district, or other political subdivision to levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on:**

**(1) Persons traveling in air commerce, whether on regularly scheduled commercial airlines, chartered air**

flights, or in privately owned civil aircraft;

(2) The carriage of persons traveling in air commerce; or

(3) The sale of air transportation or on the

gross receipts derived from air transportation.

**2. This section shall not be construed to prohibit the state or any county, municipality, airport authority, district, or other political subdivision:**

**(1) From levying or collecting any property, income, franchise, sale, use, or other tax otherwise authorized by law; or**

**(2) Which owns or operates an airport from levying or collecting reasonable rental charges, landing fees, license fees, permit fees, and other service charges for the use of airport facilities and related facilities from aircraft owners, operators, persons selling or providing goods or services to the owners or operators or to the public, and others, when otherwise allowed by law. Such fees, however, shall not result in an airline payment exceeding eight dollars per enplaned passenger. Any fee exceeding eight dollars per enplaned passenger shall be refunded. This provision shall expire on January 1, 2006."; and**

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Klarich, Singleton and Childers.

**SA 2 to SA 14** failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
Kinder	Klarich	Rohrbach	Singleton
Steelman	Westfall-- 10		
NAYS--Senators			
Bentley	Bland	Carter	Caskey
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Kenney
Mathewson	Maxwell	Quick	Russell
Scott	Sims	Stoll	Wiggins
Yeckel--21			
Absent--Senators			
Mueller	Schneider	Staples--3	
Absent with leave--Senators--None			

**SA 14**, as amended, was again taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 15**:

#### SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by inserting after all of said line the following:

**"144.819. In addition to the exemptions granted pursuant to the provisions of section 144.030, RSMo, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 70.500 to 70.510, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.550, 94.577, 94.600 to 94.660, 94.700 to 94.755, 94.850 to 94.857, 94.890, RSMo, sections 144.010 to 144.525, 144.600 to 144.809, RSMo, sections 190.335 to 190.337, RSMo, and section 238.235, RSMo, and sections 644.032 to 644.033, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 70.500 to 70.510, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.550, 94.577, 94.600 to 94.660, 94.700 to 94.755, 94.850 to 94.857, 94.890, RSMo, sections 144.010 to 144.525, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, and sections 644.032 to 644.033, RSMo, and 144.600 to 144.809, RSMo, all services, materials and supplies used directly in the production of all printed material by firms classified in the 1987 standard industry code classification group 27, except 279 (or their equivalents in the 1997 North American industry classification system), which is intended to be sold ultimately for final use or consumption including, but not limited to, image output, photoprocessing chemicals, photosensitive paper, film and negatives.";** and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 16**:

#### SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1443, Page 16, Section 144.030, Line 25, by inserting after all of said line the following:

**"144.049. 1. There is hereby specifically exempted from the provisions of the state sales and use tax law in sections 144.010 to 144.811, and the local sales and use tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.811, and from the computation of the tax levied, assessed or payable pursuant to both state and local sales and use tax law, all retail sales of any article of clothing having a taxable value of one hundred dollars or less during the period beginning 12:01 a.m. on the Thursday next following the effective date of this act through midnight on the Sunday next following the effective date of this act. For purposes of this section, the term "clothing" means any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands or belt buckles. Any local sales tax revenue lost due to the implementation of the sales tax holiday period defined in this section will be reimbursed by the state and every local political subdivision held harmless.**

**2. The provisions of this section shall expire July first at least twelve months following the effective date of this section.";** and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clay, Kinder, Russell and Singleton.

**SA 16** was adopted by the following vote:

YEAS--Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Maxwell
Russell	Steelman	Stoll	Wiggins
Yeckel--21			
	NAYS--Senators		
Bentley	Johnson	Mathewson	Quick
Rohrbach	Scott	Sims	Singleton
Westfall--9			
	Absent--Senators		
Goode	Mueller	Schneider	Staples--4
	Absent with leave--Senators--None		

At the request of Senator Johnson, **HB 1443**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and third read **SCR 38**, as amended.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 38, of Senate Journal for the Fifty-Second Day of Monday, April 10, 2000, Page 648, Lines 1-3, by deleting all of said lines; and

Further amend said resolution, Page 648, Line 24, by immediately inserting after the word "obligations" the following: **"and four additional citizen members shall be appointed to the commission consisting of two home builders-urban and two home builders-rural before the commission is scheduled for their next meeting"**.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and third read **SCR 29**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 28**.

#### HOUSE CONCURRENT RESOLUTION NO. 28

WHEREAS, Kansas City, known as the "Heart of America" and the "City of Fountains", includes more than one hundred thirty-six cities with a population of approximately one million six hundred thousand people; and

WHEREAS, Kansas City offers a diverse selection of shopping and entertainment areas such as Crown Center, Westport and Country Club Plaza, and is home for two impressive art museums, the Nelson-Atkins Museum of Art and the Kemper Museum of Contemporary Art and Design; and

WHEREAS, Kansas City is also big on professional sports with the Truman Sports Complex, home of Kansas City Chiefs football, Kansas City Royals baseball and Kansas City Wizards soccer; Kemper Arena, home of Kansas City Blades IHL hockey and Kansas City Attack NPSL soccer; and Hale Arena in the American Royal Complex where the Explorers play professional tennis; and

WHEREAS, Kansas City's 18th & Vine Historic District attractions include the Kansas City Jazz Museum, the Negro Leagues Baseball Museum and the renovated Gem Theatre Cultural and Performing Arts Center; and

WHEREAS, Kansas City's Liberty Memorial is the country's only memorial and museum dedicated to World War I veterans; and

WHEREAS, June 3, 2000, marks the 150th anniversary of the incorporation of the Town of Kansas in the County of Jackson, Missouri; and

WHEREAS, Kansas City is commemorating its sesquicentennial with a wide range of projects and celebrations, known as "KC150", throughout the year across the Kansas City metropolitan area; and

WHEREAS, May 26 to June 4, 2000, marks the midpoint for celebrations which will include a May 26, 2000, free public debut performance of a Rob Kapilow symphony inspired by the memories and history of Kansas City and Union Station, a performance on May 28, 2000, by the United States Air Force Band, free admittance to major Kansas City-area museums and entertainment complexes on June 2, 2000, and a "Barbecue and Basie on the Boulevard" day featuring a barbecue contest between professional and backyard barbecue teams; and

WHEREAS, the celebrations will end on January 1, 2001, with the opening of a Century Box that was placed in 1901, and the sealing of a new time capsule to be opened January 2, 2101:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare June 3, 2000, to be "KC150 Day" and encourage the people of the state of Missouri, especially those persons in the Kansas City metropolitan area, to support and participate in the year-long celebrations commemorating the 150th Anniversary of Kansas City.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and third read **HCR 34**.

#### HOUSE CONCURRENT RESOLUTION NO. 34

BE IT RESOLVED by the members of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 856**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 788**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 896**, entitled:

An Act to repeal sections 143.331, 351.055, 351.300, 351.355, 351.690, 359.091, 359.481, 361.230, 361.250, 361.390, 361.440, 361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.115, 362.116, 362.172, 362.235, 362.325, 362.440, 362.450, 362.700, 362.710, 362.730, 362.740, 362.750, 369.219, 375.017, 375.126, 376.350, 379.105, 408.052, 408.234, 525.080, 525.230, 525.233, 525.240 and 525.250, RSMo 1994, and sections 140.110, 148.064, 301.600, 306.400, 306.410, 306.420, 347.137, 347.141, 351.025, 351.245, 351.482, 354.065, 359.451, 362.044, 362.105, 362.119, 362.170, 362.245, 362.464, 362.600, 362.680, 365.020, 375.022, 400.3-312 and 443.415, RSMo Supp. 1999, and section 136.055 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19 of the first regular session of the ninetieth general assembly and section 136.055 as enacted by house committee substitute for house bill no. 459 of the first regular session of the eighty-ninth general assembly, relating to business organizations, and to enact in lieu thereof seventy-seven new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10, 11 and 12.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Pages 60-63, Section 362.044, by deleting all of said section from the bill; and

Further amend the title, enacting clause, and intersectional references accordingly.; and

Further amend said bill, Page 102, Section 362.600, Line 8, by adding after the word "**not**" on said line the word "**otherwise**".

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 142, Section 427.220, Line 15 of said page, by deleting the number "**427.220**" and inserting in lieu thereof the number "**369.371**" ; and

Further amend said bill, Page 158, Section 362.170, Line 17 of said page, by deleting the words "**subsection 1**" and inserting in lieu thereof the words "**subsection 2**" ; and

Further amend said bill, Page 158, Section 362.170, Line 18 of said page, by deleting the words "**subsection 1**" and inserting in lieu thereof the words "**subsection 2**" ; and

Further amend said bill, Page 158, Section 362.170, Lines 21 to 22 of said page, by deleting the words "**subsection 1**" and inserting in lieu thereof the words "**subsection 2**" ; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 85, Section 362.245, Line 4 of said page, by deleting the words "[five] **three**" and inserting in lieu thereof the word "five".

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 134, Section 400.3-312, Line 17 of said page, by inserting after all of said line the following:

**"407.125. The provisions of this chapter shall not bar the commissioner of securities from administering the provisions of chapter 409, RSMo.**

**407.2000. 1. For the purposes of sections 407.2000 to 407.2021, "business opportunity" means the sale or lease of any product, equipment, supplies or services which are sold or leased to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money in excess of five hundred dollars to the seller, and in which the seller represents:**

**(1) That the seller or a person or entity affiliated with, or referred by, the seller will provide locations, or assist the purchaser in finding locations, for the use or operation of vending machines, racks, display cases or other similar devices or currency-operated amusement machines or devices on premises neither owned nor leased by the purchaser or the sellers;**

**(2) That the promoter or its affiliate or designee will refund all or a substantial part of the purchaser's initial payment if the purchaser is unsuccessful or dissatisfied with the business opportunity;**

**(3) That the seller guarantees in writing that the purchaser will derive income from the business opportunity which exceeds the price paid or rent charged for the business opportunity or that the seller will refund all or part of the price paid or rent charged for the business opportunity or will repurchase any of the products, equipment, supplies or chattels supplied by the seller, if the purchaser is not satisfied with the business opportunity; or**

**(4) That the business opportunity is free from risk or certain to produce profits, which representation may arise from all of the assurances taken as a whole.**

**2. For purposes of subsection 1 of this section the term "assist the purchaser in finding locations", includes, but is not limited to, supplying the purchaser with names of locator companies, contracting with the purchaser to provide assistance or supply names or collecting a fee on behalf of or for a locator company.**

**3. For purposes of sections 407.2000 to 407.2021, "business opportunity" does not include:**

**(1) The sale of ongoing businesses when the owner of those businesses sells and intends to sell only those business opportunities so long as those business opportunities to be sold are no more than five in number; or**

**(2) The not-for-profit sale of sales demonstration equipment, materials or samples for a price that does not exceed five hundred dollars or any sales training course offered by the seller, the cost of which does not exceed five hundred dollars.**

**4. For purposes of sections 407.2000 to 407.2021, "purchaser" shall include a lessee and "seller" shall include a lessor.**

**407.2015. 1. A business opportunity seller shall not:**

**(1) Misrepresent, by failure to disclose or otherwise, the known required total investment for such business opportunity;**

**(2) Misrepresent or fail to disclose efforts to sell or establish more franchises or distributorships than it is reasonable to expect the market or market area for the particular business opportunity to sustain;**

**(3) Misrepresent the quantity or the quality of the products to be sold or distributed through the business opportunity;**

**(4) Misrepresent the training and management assistance available to the business opportunity purchaser;**

**(5) Misrepresent the amount of profits, net or gross, which the franchisee can expect from the operation of the**

**business opportunity;**

**(6) Misrepresent, by failure to disclose or otherwise, the termination, transfer or renewal provision of a business opportunity agreement;**

**(7) Falsely claim or imply that a primary marketer or trademark of products or services sponsors or participates directly or indirectly in the business opportunity;**

**(8) Assign a so-called exclusive territory encompassing the same area to more than one business opportunity purchaser;**

**(9) Provide machines or display of a brand or kind substantially different from and inferior to those promised by the business opportunity seller;**

**(10) Fail to provide the purchaser a written contract;**

**(11) Misrepresent the seller's ability or the ability of a person or entity providing services as defined in subdivision (1) of subsection 1 of section 407.2000 to provide locations or assist the purchaser in finding locations expected to have a positive impact on the success of the business opportunity;**

**(12) Misrepresent a material fact or create a false or misleading impression in the sale of a business opportunity.**

**2. Any person who violates the provisions of this section is guilty of a class A misdemeanor.**

**407.2021. 1. If a business opportunity seller uses untrue or misleading statements in the sale of a business opportunity, fails to give the proper disclosures, or fails to deliver the equipment, supplies or products necessary to begin substantial operation of the business within forty-five days of the delivery date stated in the business opportunity contract, the purchaser may, within one year of the date of the execution of the contract and upon written notice to the seller, rescind the contract and the purchaser shall be entitled to receive from the business opportunity seller all sums paid to the business seller. Upon receipt of such sums, the purchaser shall make available to the seller at the purchaser's address, or at the places at which the purchaser is located at the time notice is given, all products, equipment or supplies received by the purchaser. The purchaser shall not be entitled to unjust enrichment by exercising the remedies provided in this subsection.**

**2. Any purchaser injured by a violation of sections 407.2000 to 407.2021 or by the business opportunity seller's breach of a contract subject to sections 407.2000 to 407.2021 or any obligation arising therefrom, may bring an action for recovery of damages, including reasonable attorney's fees.**

**3. Upon complaint of any person that a business opportunity seller has violated the provisions of sections 407.2000 to 407.2021, the circuit court shall have jurisdiction to enjoin the defendant from any further violations.**

**4. The remedies provided in this section shall be in addition to any other remedies provided by law or in equity."; and**

Further amend said bill, Pages 138 to 139, Section 409.1000, by deleting all of said section; and

Further amend said bill, Pages 139 to 141, Section 409.1015, by deleting all of said section; and

Further amend said bill, Pages 141 to 142, Section 409.1018, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 7, Section 140.110, Line 6, by



inserting the following at the end of said line:

"140.160. 1. No proceedings for the sale of land and lots for delinquent taxes [under the provisions of] **pursuant to** this chapter, relating to the collection of delinquent and back taxes and providing for foreclosure sale and redemption of land and lots therefore, shall be valid unless initial proceedings therefore shall be commenced within three years after delinquency of such taxes, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefore shall be commenced, had or maintained, **except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax- exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.**

2. In order to enable county and city collectors to be able to collect delinquent and back taxes, the county auditor in all counties having a county auditor shall annually audit and list all delinquent and back taxes and provide a copy of such audit and list to the county collector and to the governing body of the county. A copy of the audit and list may be provided to city collectors within the county at the discretion of the county collector."

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 120, Section 375.017, Line 21 of said page, by inserting after all of said line the following:

**"5. Any bank or trust company in their sale or issuance of insurance products or services, as authorized pursuant to section 362.105, RSMo, shall be subject to the insurance laws of this state and rules adopted by the department of insurance.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 116, Section 365.020, by inserting after said section:

"367.031. 1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

- (1) The name and address of the pawnshop;
- (2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
- (3) The date of the transaction;
- (4) An identification and description of the pledged goods, including serial numbers if reasonably available;
- (5) The amount of cash advanced or credit extended to the pledgor;
- (6) The amount of the pawn service charge;
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date;

(8) The maturity date of the pawn transaction; and

(9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

2. The pawnbroker [may be required, in accordance with local ordinances, to] **shall** furnish local law enforcement authorities with copies of information contained in subdivisions (1),**3** [to] **and** (4) of subsection 1 of this section, **upon request[.] if the property in question is determined to be stolen, the pawnbroker shall provide law enforcement with the information contained in subdivision (2) of subsection 1 of this section.**

3. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state pursuant to section 486.205, RSMo, to perform notarial acts in this state.; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 41, Section 351.482, Line 10, by deleting said line and inserting in lieu thereof the following: "(3) At the request of the corporation, be published by the Secretary of State in an electronic format accessible to the public."

#### HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 147, Section 2, Line 12, by inserting after said line the following:

**"Section 3. 1. As used in this section, the terms "consumer" and "person" shall have the same meaning as in the definition section of the Federal Fair Credit Reporting Act, 15 U.S.C. 1681a, as amended.**

**2. The provisions of this section shall be in addition to the provisions of the Federal Fair Credit Reporting Act, 15 U.S.C. 1681 et. seq., as amended, and, pursuant to 15 U.S.C. 1681t(a), as amended, the provisions of the Federal Fair Credit Reporting Act, or any other applicable federal law, shall control to the extent of any inconsistency between this section and the Federal Fair Credit Reporting Act.**

**3. No person shall sell information containing both the name and the credit card number of any consumer to any other person, unless that consumer has expressly agreed, either orally or in writing, to the sale of his or her name and credit card number by the person selling such information. A violation of this section shall be an unlawful merchandising practice in violation of sections 407.010 to 407.145."; and**

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 7, Section 143.331, Line 20, by inserting after all of said section the following:

**"144.815. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section the following terms shall mean:**

**(1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and**

**(2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins."; and**

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 116, Section 365.020, by inserting immediately after line 4, the following:

367.052. When an item of property is the subject of a lease, rental transaction or retail installment contract with a company domiciled in the state, between the claimant and the claimant's lease or rental customer at the time it is delivered into the possession of the pawnbroker, the property shall not be deemed misappropriated unless it bears a conspicuous permanent label or marking identifying it as the claimant's property. Evidence of defacing or the removal of identification marking of leased or rented property shall be treated as marked and identified and therefore deemed to be misappropriated. Property subject to a lease, rental transaction or retail installment contract with a company domiciled in the state, which is not marked as provided in this subsection may be recovered by the claimant [upon payment to the pawnbroker of all moneys owing to or advanced by the pawnbroker in the pawn or purchase transaction, and] upon producing evidence identifying the property as having been the property of the claimant and leased or rented at the time the property was placed in the pawnbroker's possession. The pawnbroker shall be free from liability in connection with the recovery of leased or rental property pursuant to this subsection.

#### HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 896, Page 118, Section 375.017, Line 23, by inserting after the word "basis" the following:

"and if his or her state's continuing education requirement for licensees is comparable to the requirements of this state.".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE REPORTS

Senator Johnson, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for **HB 1142**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1142

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1142, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1142, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1142;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Sidney Johnson  
/s/ Harold Caskey  
/s/ Jim Mathewson  
/s/ John T. Russell  
/s/ Doyle Childers

FOR THE HOUSE:

/s/ Bill Ransdall  
/s/ Sam Leake  
/s/ Gary Wiggins  
/s/ Gary Marble  
/s/ Vicky Hartzler

Senator Johnson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Mueller	Schneider	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Johnson, **CCS** for **SCS** for **HCS** for **HB 1142**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1142

An Act to repeal sections 407.850 and 407.870, RSMo 1994, and sections 301.010, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of farm equipment, and to enact in lieu thereof six new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Mueller	Schneider	Staples--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## CONFERENCE COMMITTEE

### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 856**, as amended: Senators Maxwell, Wiggins, Carter, Singleton and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 788**, as amended: Senators Johnson, Maxwell, Wiggins, Singleton and Sims.

### REFERRALS

President Pro Tem Quick referred **HCR 34** to the Committee on Rules, Joint Rules and Resolutions.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

Photographers from the Senate and KOMU-NBC8 were given permission to take pictures in the Senate Chamber today.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 961**, entitled:

An Act to repeal section 173.239, RSMo Supp. 1999, relating to educational assistance for members of the Missouri national guard, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendments Nos. 3 and 4.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 961, Page 1, In the Title, Lines 2 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 173.239, RSMo Supp. 1999, and to enact in lieu thereof ten new sections relating to awards for members of the Missouri military, with an emergency clause for a certain section."; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"42.150. 1. Every person who served on active duty in the United States military service, including the merchant marine serving under veteran status, during World War II, except those excluded pursuant to section 42.155, for a period of at least one hundred eighty-one consecutive days, and who is a legal resident of the state of Missouri on August 28, 2000, and who was honorably separated or discharged from service, or is still in active service in an honorable status, or has been retired, furloughed to a reserve or placed on inactive status, shall receive one lump sum bonus of four hundred dollars, regardless of whether or not he or she served overseas.**

**2. No right or payment pursuant to sections 42.150 to 42.170 is taxable or subject to the claim of any creditor.**

**42.155. 1. In the case of the death, after application, of any person who would be entitled to the bonus pursuant to sections 42.150 to 42.170, the same shall be paid to the following persons in the order named: first, the surviving spouse, unless remarried; second, any surviving child, and if there is more than one child surviving then equally among such children; third, any surviving mother or father, who shall share equally if both are surviving.**

**2. Every person making application for a bonus as provided in sections 42.150 to 42.170 shall set forth in his or her application the names and addresses of all persons who would be entitled to receive the same in the event of the death of the applicant and, if the applicant dies before payment of the bonus, then such application shall inure to the benefit of the person next entitled thereto and payment shall be made to such person upon proof of identity satisfactory to the adjutant general. If all persons designated in sections 42.150 to 42.170 as being entitled to the bonus of any deceased person die before payment thereof, the right of the bonus ceases and terminates. Application for bonus made in behalf of minor children may be made by the duly appointed guardian or curator of such children, or by any person duly appointed by the probate court for the purpose of making such application.**

**42.160. 1. The adjutant general of the state of Missouri shall administer sections 42.150 to 42.170, and may adopt all necessary rules and regulations to implement the provisions of sections 42.150 to 42.170. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The adjutant general shall determine as expeditiously as possible the persons who are entitled to payments pursuant to sections 42.150 to 42.170 and direct the payment in the manner herein prescribed. Applications for payment shall be filed with the adjutant general's office within one year from the effective date of sections 42.150 to 42.170 on forms prescribed and**

furnished by the office. The adjutant general shall approve all claims that are in order and allowable, and shall cause a voucher for each approved claim to be prepared for the proper amount and transmitted to the commissioner of administration.

2. If the adjutant general, after due consideration, finally disallows the claim of any person for the bonus pursuant to sections 42.150 to 42.170, a statement of the reason for disallowance shall be filed with the application and notice thereof mailed to the applicant at his or her last known address. Within sixty days after mailing this notice, the applicant may have his or her application reconsidered by the governor, attorney general and director of veterans affairs, sitting as a board of review, upon filing with the adjutant general an application for review. Upon the filing of the application for review the adjutant general shall, within thirty days of receipt of such application, deliver to the governor all papers and files in his or her office pertaining to the claim. Upon receipt of such papers and files, the governor shall arrange for a hearing by the board of review and shall cause notice of such hearing to be mailed to the applicant. The applicant shall be entitled to appear at the hearing and be represented by counsel. If the decision of the adjutant general is approved at such hearing, a statement to that effect shall be made and signed by the governor and all the files again returned to the adjutant general. If the board of review overrules the decision of the adjutant general and allows the claim for the bonus, then the decision shall be certified by the governor to the adjutant general and the adjutant general shall allow the claim and transmit a voucher for such claim to the commissioner of administration in the same manner as if the claim had been allowed by the adjutant general in the first instance.

42.165. The "Veterans' Service Bonus Fund", is hereby created in the state treasury. Money appropriated to the fund shall be retained therein until the accumulated balance in the fund is sufficient to pay the claims filed and allowed pursuant to section 42.160. As soon as possible after the expiration of one year from the effective date of sections 42.150 to 42.170, and after final action on all duly filed claims has been taken pursuant to section 42.160, the commissioner of administration shall notify the state treasurer of the total amount necessary to pay the vouchers transmitted to his or her office by the adjutant general. When all bonus claims filed and allowed have been paid, the fund shall automatically be terminated. The commissioner of administration shall certify the claims allowed by the adjutant general to the state treasurer for payment and the state treasurer shall pay the claims out of the fund as provided by law. Any balance remaining in the veterans' service bonus fund after all claims have been paid shall be transferred to the veterans' commission capital improvements trust fund established in section 313.835, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

42.170. Whoever knowingly makes a false statement, oral or written, of any material fact relating to a claim pursuant to the provisions of sections 42.150 to 42.170 is guilty of a class A misdemeanor.

42.180. 1. Every veteran who honorably served on active duty in the United States military service at any time beginning December 7, 1941, and ending September 30, 1945, shall be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections 42.180 to 42.195; provided that:

(1) Such veteran is a legal resident of this state on August 28, 2000; and

(2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status.

2. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.180 to 42.195, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

42.185. 1. Except as otherwise provided in sections 42.180 to 42.195, the adjutant general of the state of Missouri shall administer sections 42.180 to 42.195, and may adopt all rules and regulations necessary to administer the provisions of sections 42.180 to 42.195. No rule or portion of a rule promulgated pursuant to sections 42.180 to 42.195 shall become effective unless promulgated pursuant to chapter 536, RSMo.

**2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a medallion, medal and a certificate pursuant to sections 42.180 to 42.195 and distribute the medallions, medals and the certificates as provided in sections 42.180 to 42.195. Applications for the medallion, medal and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2001, and before January 1, 2002, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a medallion, medal and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.190.**

**3. If any person dies after applying for a medallion or medal and a certificate pursuant to sections 42.180 to 42.195 and such person would have been entitled to the medallion, medal and the certificate, the adjutant general shall give the medallion, medal and the certificate to the person to whom the largest portion of the veteran's estate was given in such veteran's will. If the estate was split evenly among two or more persons, the surviving spouse, the eldest living child or the closest relative by degree of consanguinity, in that order, shall receive the medallion, medal and the certificate. If there was no will, the veteran's intestate survivor shall receive the medallion, medal and the certificate.**

**4. If the adjutant general disallows any veteran's claim to a medallion, medal and a certificate pursuant to sections 42.180 to 42.195, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address.**

**42.190. The veterans' commission shall design the form of the medallion, medal, and the certificate and forward the approved designs to the adjutant general for distribution pursuant to sections 42.180 to 42.195. It is the intent of the general assembly to create statewide involvement in the design of these symbols in recognition of this historic endeavor. Therefore, in designing the forms, the veterans' commission may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations or any other interested party, and may select the best design from among such solicited designs, or may select another design.**

**42.195. 1. The "World War II Veterans' Recognition Award Fund" is hereby created in the state treasury, and shall consist of all gifts, donations and bequests to the fund. The fund shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the World War II veterans' recognition award fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.**

**2. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid in the manufacture of and aid in the distribution of the medallion, medal and the certificate.**

**3. When all allowed medallions, medals and certificates have been distributed, the fund shall automatically be terminated. Any balance remaining in the fund after all such distributions shall be transferred to the veterans' commission capital improvement trust fund created in section 313.835, RSMo."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 961, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"42.500. The Missouri general assembly shall, through appropriations as provided by law, participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C. in an amount equal to four hundred thirty-eight thousand dollars. Such funds shall be disbursed upon enactment to the World War II Memorial Fund."; and**



Further amend said title, enacting clause and intersectional references accordingly.

### HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 961, Page 4, Section B, Line 14, by inserting after said line the following:

"Section C. Section 8.012, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 8.012, to read as follows:

8.012. At [the state capitol] **all state buildings** and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the armed forces of the United States who were prisoners of war or missing in action."; and

Further amend the title and enacting clause accordingly.

### HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 961, Page 4, Section 173.239, Line 6 of said page, by inserting after all of said line the following:

**"Section 1. The general assembly shall appropriate moneys to cover the cost of providing every eligible Missouri World War II veteran of the June 6, 1944, "D-Day" invasion of Europe with a replica of the fiftieth anniversary "Jubilee of Liberty" medal issued by France in 1994."**; and

Further amend said bill, Page 4, Section B, Lines 8 and 9 of said page, by deleting all of said lines and inserting in lieu thereof the following: "swift attention and funding of issues involving those who serve our country and state in the armed forces, section A of this act is"; and

Further amend said bill, Page 4, Section B, Lines 12 and 13 of said page, by deleting the following: "The repeal and reenactment of section 173.239" and inserting in lieu thereof the following: "section A"; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 856**, as amended: Representatives Harlan, Foley, Wilson 42, Reinhart and Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 788**, as amended: Representatives Barry, Kennedy, Graham 24, Tudor and Bartelsmeyer.

### RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1745, regarding Karen DeAnn Tippie, Kansas City, which was adopted.

Senator Scott offered Senate Resolution No. 1746, regarding JoAnne Fluke, Baldwin City, Kansas, which was adopted.

Senator DePasco offered Senate Resolution No. 1747, regarding Hallmark Cards, Kansas City, which was adopted.

Senator Clay offered Senate Resolution No. 1748, regarding the St. Louis Bring It Together Musicfest, which was adopted.

Senator Sims offered Senate Resolution No. 1749, regarding the Honorable Emmy McClelland, Webster Groves, which was adopted.

Senator Maxwell offered Senate Resolution No. 1750, regarding Leroy A. Halsey, Ashland, which was adopted.

Senator Maxwell offered Senate Resolution No. 1751, regarding Charles Douglas Davenport, Hallsville, which was adopted.

Senator Maxwell offered Senate Resolution No. 1752, regarding Brian Ostendorf, Mexico, which was adopted.

Senator Maxwell offered Senate Resolution No. 1753, regarding Robert Todd Reinerd, Sturgeon, which was adopted.

Senator Maxwell offered Senate Resolution No. 1754, regarding Brian Watt, Mexico, which was adopted.

Senator Maxwell offered Senate Resolution No. 1755, regarding Travis Knoepflein, Montgomery City, which was adopted.

Senator Mathewson offered Senate Resolution No. 1756, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J. Eldon Whitsitt, Mayview, which was adopted.

Senators Staples and Kinder offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 1757

WHEREAS, it is always a moment of great pride when the members of the Missouri Senate pause to applaud the achievements of an individual who has demonstrated an exceptional degree of ability and commitment in meeting all the responsibilities associated with elective office; and

WHEREAS, the Honorable Jim Graham, State Representative from District Number 106, is retiring from public service with the expiration of his current term, thereby bringing to completion a decade of tireless endeavor for the overall good of the citizens of this fair state; and

WHEREAS, Jim Graham was initially elected to the Missouri House of Representatives in 1990, since which time he has proudly, ably, and faithfully given of his expertise and energy to a variety of important causes which have improved the quality of life for every Missourian; and

WHEREAS, Jim Graham is highly regarded for the dedication he so consistently displayed while serving as a member of such vital House committees as Agriculture; Appropriations-Natural and Economic Resources; Banks and Financial Institutions; and Budget; as well as the Joint Committee on Correctional Institutions and Problems; and

WHEREAS, Jim Graham is known and respected as a fair, honest, and hardworking politician who puts forth tremendous effort to support the principles in which he believes and stands firm in his commitment to those values which he cherishes so dearly; and

WHEREAS, a 1978 graduate of Fredericktown High School, Jim Graham earned an Associate of Science degree in business management from Mineral Area College in 1980 which has enabled him to broaden his horizons as well as his understanding of all aspects of his occupation as a cattle farmer; and

WHEREAS, a recipient of the Missouri FFA State Farmer Degree, Representative Graham also distinguished himself as a delegate for the American Council of Young Political Leaders in the Republic of China and Taiwan in 1993:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in expressing sincere appreciation and deep gratitude to Jim Graham for his ten years of dedicated service to the legislative branch of state government and in wishing him well as he leaves his official duties in the House of Representatives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Honorable Jim Graham, as a mark of our esteem for him.

President Wilson assumed the Chair.

## **PRIVILEGED MOTIONS**

Senator Stoll moved that the Senate refuse to concur in **HS** for **SB 961**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## **HOUSE BILLS ON THIRD READING**

**HS** for **HB 1615**, with **SCS**, entitled:

An Act to repeal sections 191.900, 191.910, 198.012, 198.026, 198.032, 198.090, 208.152, 344.050, 565.186, 565.188, 565.190, 660.300, 660.305, 660.315 and 660.320, RSMo 1994, and sections 198.070, 198.526, 198.532, 208.010, 208.151, 210.903, 210.909, 210.915, 210.933, 210.936, 660.050, 660.055 and 660.317, RSMo Supp. 1999, and to enact in lieu thereof forty-two new sections relating to protection of the elderly, with penalty provisions and an expiration date for a certain section, with an emergency clause.

Was taken up by Senator Caskey.

**SCS** for **HS** for **HB 1615**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR**

### **HOUSE SUBSTITUTE FOR**

### **HOUSE BILL NO. 1615**

An Act to repeal sections 191.900, 191.910, 197.405, 197.410, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470, 197.477, 198.012, 198.026, 198.032, 198.090, 208.152, 344.050, 565.186, 565.188, 565.190, 660.300, 660.305, 660.315 and 660.320, RSMo 1994, and sections 197.400, 197.415, 197.445, 198.070, 198.526, 198.532, 208.010, 208.151, 210.903, 210.909, 210.915, 210.933, 210.936, 660.050, 660.055 and 660.317, RSMo Supp. 1999, and to enact in lieu thereof fifty-seven new sections relating to protection of the elderly, with penalty provisions, an expiration date for a certain section and an emergency clause for a certain section.

Was taken up.

Senator Caskey moved that **SCS** for **HS** for **HB 1615** be adopted.

Senator Caskey offered **SS** for **SCS** for **HS** for **HB 1615**, entitled:

### **SENATE SUBSTITUTE FOR**

### **SENATE COMMITTEE SUBSTITUTE FOR**

### **HOUSE SUBSTITUTE FOR**

### **HOUSE BILL NO. 1615**

An Act to repeal sections 191.900, 191.910, 197.405, 197.410, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470, 197.477, 198.012, 198.032, 198.090, 344.050, 565.186, 565.188, 565.190, 660.300, 660.305, 660.315 and 660.320, RSMo 1994, and sections 197.400, 197.415, 197.445, 198.070, 198.526, 198.532, 660.050 and 660.317, RSMo Supp. 1999, and to enact in lieu thereof thirty-nine new sections relating to protection of the elderly, with penalty provisions and an emergency clause for a certain section.

Senator Caskey moved that **SS** for **SCS** for **HS** for **HB 1615** be adopted.

Senator Caskey offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 5, Section 187.020, Line 14 of said page, by striking the words "or an eligible adult".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 81, Section 660.050, Line 12 of said page, by inserting after all of said line the following:

**"Section 1. Sections 1 to 15 of this act shall be known as the "Missouri Law Enforcement District Act".**

**Section 2. As used in sections 1 to 15 of this act, the following terms mean:**

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;**
- (2) "Board", the board of directors of a district;**
- (3) "District", a law enforcement district organized pursuant to sections 1 to 15 of this act.**

**Section 3. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.**

**2. A district is a political subdivision of the state.**

**3. A district may be created in any county of the first classification without a charter form of government and a population of fifty thousand inhabitants or less.**

**Section 4. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.**

**2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities.**

**3. The petition shall set forth:**

- (1) The name and address of each owner of real property located within the proposed district or who is a registered voter resident within the proposed district;**
- (2) A specific description of the proposed district boundaries including a map illustrating such boundaries;**
- (3) A general description of the purpose or purposes for which the district is being formed; and**
- (4) The name of the proposed district.**

**4. In the event any owner of real property within the proposed district who is named in the petition or any legal voter resident within the district shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner or legal voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.**

**Section 5. 1. Any owner of real property within the proposed district and any legal voter who is a resident within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.**

**2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.**

**3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.**

**Section 6. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 1 to 15 of this act, the petitioners may be reimbursed for such costs out of the revenues received by the district.**

**Section 7. A district created pursuant to sections 1 to 15 of this act shall be governed by a board of directors consisting of five members to be elected as provided in section 8 of this act.**

**Section 8. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters resident within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of residents of the district.**

**2. The attendees, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election.**

**3. Each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the residents called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.**

**4. Directors shall be at least twenty-one years of age.**

**Section 9. 1. The board shall possess and exercise all of the district's legislative and executive powers.**

**2. Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.**

**3. The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the third degree by blood or marriage to a member of the board.**

**4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.**

**5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall**

have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as their faithful discharge may require and may be reimbursed for such director's actual expenditures in the performance of such director's duties on behalf of the district.

Section 10. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 1 to 15 of this act and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state or private sources.

Section 11. 1. If approved by at least four-sevenths of the qualified voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval. The property tax shall be uniform throughout the district.

2. The ballot of submission shall be substantially in the following form:

Shall the ..... Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

Section 12. 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

3. A district may borrow money for its purposes at such rates of interest as the district may determine.

4. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the operation of the district.

Section 13. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; provided, however, that any contract

providing for the overall management and operation of the district shall only be with a governmental entity or a not for profit corporation.

**Section 14.** In addition to all other powers granted by sections 1 to 15 of this act the district shall have the following general powers:

- (1) To contract with the local sheriff's department for the provision of services;**
- (2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;**
- (3) To fix compensation of its employees and contractors;**
- (4) To purchase any personal property necessary or convenient for its activities;**
- (5) To collect and disburse funds for its activities; and**
- (6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.**

**Section 15. 1.** The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

**2.** The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

**3.** The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.

**Section 16. 1.** The boundaries of any district organized pursuant to sections 1 to 15 of this act may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

**2.** The boundaries may be changed as follows:

**(1)** Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

**(2)** All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real

property be included in, or removed from, the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 17 of this act. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

Section 17. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 16 of this act, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the boundaries of the ..... Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

[ ] YES [ ] NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a



majority of the voters voting thereon voted against the proposition to extend or retract the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.

**Section 18. 1.** The authority of the district to levy any property tax levied pursuant to section 11 of this act may be terminated by a petition of the voters in the district in the manner prescribed in this section.

**2.** The petition for termination of authority to tax may be changed as follows:

**(1)** Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo; or

**(2)** All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

**3.** The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted.

**4.** If the board deems it for the best interest of the district, it shall grant the petition. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 19 of this act. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

**5.** Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

**Section 19. 1.** If the petition filed pursuant to section 18 of this act contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 18 of this act, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.

**2.** The question shall be submitted in substantially the following form:

Shall the authority of the ..... Law Enforcement District to adopt property taxes be terminated?

☐ YES ☐ NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four- sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.

Section 20. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 1 to 15 of this act is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 8 of this act, in substantially the following form:

Shall ..... (Insert the name of the law enforcement district) Law Enforcement District be dissolved?

☐ YES ☐ NO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court. If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 1 to 15 of this act."; and

Further amend said bill, Page 94, Section B, Lines 35 to 39 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"Section C. Because immediate action is necessary to ensure the safety and protection of certain citizens of this state, the enactment of section 187.084 and sections 1 to 20 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 187.084 and sections 1 to 20 shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered SA 3:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 3, Section 187.010, Line 8 of said page, by inserting after all of said line the following:

**"(6) "Noncompliant client" or "non-compliant", an in-home client who is able to make decisions, but unwilling to accept assistance as authorized in the department plan of service necessary to meet his or her essential human needs when such unwillingness creates a likelihood of serious physical harm;"**; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 15, Section 187.075, Line 4 of said page, by inserting after all of said line the following:

**"12. Any in-home services provider shall report to the department an in-home services client who is at risk of serious physical harm because the client is noncompliant with the department's plan of service. Upon notification by the in-home services provider of a client suspected to be noncompliant, the department nurse shall attempt to resolve the circumstances with the case manager and shall investigate the allegation when necessary. The nurse shall report to the referring provider about the status of the case within five business days. If unable to resolve the situation, the department shall refer the client to the interdisciplinary case management team as established in subsection 3 of this section. The interdisciplinary case management team shall attempt to resolve the circumstances. If unable, the team shall issue a consensus report about the case and the client shall be identified as noncompliant. Providers of clients that have been identified as noncompliant by the team are not liable solely for the consequences of the client's non-compliant behavior.**

**13. The department shall establish ad-hoc interdisciplinary case management teams to assist the department, the client's case manager, and the client's in-home services provider by acting as consultants and by intervening in cases where the team's specialized expertise will supplement the plan of service. The department shall determine membership on the interdisciplinary case management teams on a case by case basis. The teams shall include at a minimum the client's case manager, a department nurse, an in-home services provider nurse, a long-term care specialist, a mental health professional as defined by 9 CSR 30-4.025 provided through the department of mental health, and may include a representative of law enforcement, a physician and other local resources. The mental health professional, shall, when appropriate, assume the role of co-case manager for the in-home services client. In cases in which the interdisciplinary case management team believes the client, as a result of a mental disorder, presents a likelihood of serious harm as defined in section 632.005, the interdisciplinary team shall refer the client to a mental health coordinator who shall conduct an investigation pursuant to section 632.300.**

**14. The department shall establish a procedure by which all in-home services clients will be categorized based on their care and condition needs after the initial qualification assessment. The department shall determine the criteria for each category by rule, pursuant to chapter 536, RSMo. The department may refer any client to an interdisciplinary case management team, as necessary. The department may authorize the in-home services provider nurse, licensed pursuant to chapter 335, RSMo, to assist the department in the assessment of the client's condition upon initiation of services to determine the care needs of the client and establish a plan of services appropriate to meet the client's needs. After initial assessment of the client, nurse visits shall be authorized twice annually for clients with plans of service that do not include nurse visits as part of the plan for the purpose of assessing the client and the client's services. If the provider nurse believes that the plan of service needs alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All department authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home clients whose services have reached one**

hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been pre-authorized by the department.

**15. All in-home clients shall be advised of their rights by the department at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department shall establish a process to receive these nonabuse and neglect calls other than the elder abuse and neglect hotline.**

**16. The department shall establish a quality assurance and supervision process for clients that assures the in-home services provider is reimbursed for any nurse assessment portion of the process."**; and further amend said section by renumbering the remaining subsection accordingly.

And further amend said bill, page 27, section 187.100, by deleting all of said section and amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Howard offered **SA 1 to SA 3**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 2, Lines 5-11 of said page, by striking all of said lines and inserting in lieu thereof the following: **"established in subsection 3 of this section. The inter-disciplinary team shall attempt to resolve the circumstances, and shall document all such attempts at resolution. If unable to resolve the circumstances, the team shall issue a written consensus report about the case and the client may be identified as noncompliant. Providers whose clients have been identified as noncompliant are not liable for the consequences of the client's noncompliant behavior, unless such consequences are the result of such provider's negligent, reckless, willful or wanton behavior."**

Senator Howard moved that the above amendment be adopted.

Senator Steelman offered **SA 1 to SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 2, Line 12, by inserting after the word "behavior" the words "or employee's negligent, reckless, willful, or wanton behavior."

Senator Steelman moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1 to SA 1 to SA 3** is out of order as it is in the third degree.

At the request of Senator Caskey, the point of order was withdrawn.

At the request of Senator Steelman, **SA 1 to SA 1 to SA 3** was withdrawn.

Senator Steelman offered **SSA 1 for SA 1 to SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 2, Lines 5-11 of said page, by striking all of said lines and inserting in lieu thereof the following: **"established in subsection 3 of this section. The inter-disciplinary team shall attempt to resolve the circumstances, and shall document all such attempts at resolution. If unable to resolve the circumstances, the team shall issue a written consensus report about the case and the client may be identified as noncompliant. Providers whose clients have been identified as noncompliant are not liable for the consequences of the client's noncompliant behavior, unless such consequences are the result of such provider's negligent, reckless, willful or wanton behavior or an employee's negligent, reckless, willful, or wanton behavior."**

Senator Steelman moved that the above substitute amendment be adopted, which motion prevailed.

**SA 3**, as amended, was again taken up.

Senator Howard moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Howard, Russell and Steelman.

Senator Steelman offered **SA 2** to **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 2, Section 187.010, Line 19, by inserting immediately after the word "manager," the following: **" a family member when available,"**.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

**SA 3**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	DePasco
Goode	Graves	Howard	Jacob
Kenney	Kinder	Mathewson	Maxwell
Mueller	Sims	Staples	Stoll

Wiggins--17

NAYS--Senators

Bland	Carter	Clay	Ehlmann
Flotron	House	Klarich	Rohrbach
Russell	Schneider	Scott	Singleton
Stelman	Westfall	Yeckel--15	

Absent--Senator Quick--1

Absent with leave--Senator Johnson--1

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 9, Section 187.030, Line 17 of said page, by inserting after the word "personnel" the following: "**and volunteers for local area agencies on aging**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 81, Section 660.050, Line 12, by adding the following:

**"660.083. Pursuant to chapter 190, RSMo, when the department of social services issues a license for or renews the existing license of a facility, as defined in section 198.006, RSMo, the division of aging shall consider the compliance history of a facility and of the facility's operator.";** and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 30, Section 191.910, Line 5, by removing the brackets [ ] from the word shall; and

Further amend said bill, page 30, section 191.910, lines 5-7, by deleting the following: "**may either commence a state prosecution in counties of the third classification which employ less than full-time prosecuting attorneys, or**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Caskey offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 69, Section 198.532, Line 8 of said page, by inserting immediately after said line the following:

"210.903. 1. To protect children and the elderly in this state, and to promote family and community safety by providing information concerning family caregivers, there is hereby established within the department of health a "Family Care Safety Registry and Access Line" which shall be available by January 1, 2001.

2. The family care safety registry shall contain information on child-care workers' and elder-care workers' background and on child-care and elder-care providers through:

(1) The patrol's criminal record check system pursuant to section 43.540, RSMo, including state and national information, to the extent possible;

(2) Probable cause findings of abuse and neglect pursuant to sections 210.109 to 210.183;

(3) The division of aging's employee disqualification list pursuant to section [660.315] **187.081**, RSMo;

- (4) Foster parent licensure denials, revocations and suspensions pursuant to section 210.496;
- (5) Child-care facility license denials, revocations and suspensions pursuant to sections 210.201 to 210.259; [and]
- (6) Residential living facility and nursing home license denials, revocations, suspensions and probationary status pursuant to chapter 198, RSMo[.]; **and**
- (7) The employee disqualification list maintained by the department of mental health pursuant to section 630.170, RSMo.**

210.909. 1. Upon submission of a completed registration form by a child-care worker or elder-care worker, the department, in coordination with the department of social services, shall:

- (1) Determine if a probable cause finding of child abuse or neglect involving the applicant has been recorded pursuant to section 210.145;
- (2) Determine if the applicant has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;
- (3) Determine if the applicant has been placed on the employee disqualification list pursuant to section [660.315] **187.081**, RSMo;
- (4) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether the applicant has any conviction, plea of guilty or nolo contendere, or a suspended execution of sentence to a felony charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo; and
- (5) If the background check involves a provider, determine if a facility has been refused licensure or has experienced licensure suspension, revocation or probationary status pursuant to sections 210.201 to 210.259 or chapter 198, RSMo[.]; **and**
- (6) Determine if the applicant has been placed on the employee disqualification list maintained by the department of mental health pursuant to section 630.170, RSMo.**

2. Upon completion of the background check described in subsection 1 of this section, the department shall include information in the registry for each registrant as to whether any felony convictions, employee disqualification listings pursuant to [section 660.315] **section 187.081, RSMo, and section 630.170, RSMo**, probable cause findings, pleas of guilty or nolo contendere, or license denial, revocation or suspension have been documented through the records checks authorized pursuant to the provisions of sections 210.900 to 210.936.

3. The department shall notify such registrant in writing of the results of the determination recorded on the registry pursuant to this section.

210.915. The department of corrections, the department of public safety, **the department of mental health** and the department of social services shall collaborate with the department to compare records on child-care and elder-care workers, and the records of persons with criminal convictions and the background checks pursuant to subdivisions (1) to [(6)] **(7)** of subsection 2 of section 210.903, and to enter into any interagency agreements necessary to facilitate the receipt of such information and the ongoing updating of such information. The department, in coordination with the department of social services, shall promulgate rules and regulations concerning such updating, including subsequent background reviews as listed in subsection 1 of section 210.909.

210.933. For any elder-care worker listed in the registry or who has submitted the registration form as required by sections 210.900 to 210.936, an elder-care provider may access the registry in lieu of the requirements established pursuant to section [660.315] **187.081**, RSMo, or to subsections 3, 4 and 5 of section [660.317] **187.084**, RSMo.

210.936. For purposes of providing background information pursuant to sections 210.900 to 210.936, reports and

related information pursuant to [sections 198.070] **section 187.020, RSMo**, and **section 198.090, RSMo**, sections 210.109 to 210.183, **section 630.170, RSMo**, and sections [660.300 to 660.315] **187.075 to 187.081, RSMo**, shall be deemed public records."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Singleton offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 56, Section 197.477, Line 1, by inserting after all of said line the following:

**"197.715. 1. For the purposes of this section, "continuing care retirement community" means a facility that provides services, either at the same site or at another location including, but not limited to independent housing, day care, ambulatory care, and long-term health care to older persons not related by blood or marriage to the owner or operator of the facility under an agreement with the person effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health related long-term care services.**

**2. The provisions of sections 197.300 through 197.366 shall not apply to and a certificate of need shall not be required for any facility operating as a continuing care retirement community within this state.";** and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rohrbach offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 33, Sections 197.400-197.460, Line 11, by deleting all of said sections, page 33, line 11 through page 54, line 15; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Sims offered **SSA 1** for **SA 9**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 35, Section 197.450, Line 14, by inserting after "services" "where the employee or home care provider engages in activities that require physical contact with the client, such as assistance with bathing, toileting and other such services where such services are".

Senator Sims moved that the above substitute amendment be adopted.



At the request of Senator Caskey, **HS** for **HB 1615**, with **SCS**, **SS** for **SCS**, **SA 9** and **SSA 1** for **SA 9** (pending), was placed on the Informal Calendar.

### PRIVILEGED MOTIONS

Senator Mathewson moved that the conference committee report on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, be taken up for adoption, which motion prevailed.

Senator Mathewson moved that the conference committee report be adopted.

At the request of Senator Mathewson, his motion to adopt the conference committee report was withdrawn.

Senator Klarich moved that the Senate refuse to concur in **HS** for **HCS** for **SB 896**, as amended, and request the House to recede from its position specifically on **HA 9** and **HA 12** and take up and pass the bill, which motion prevailed.

### CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 944**, as amended, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON

#### HOUSE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 944

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 944, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 11, 13, 14 and 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 944, as amended;
2. That the Senate recede from its position on Senate Bill No. 944; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 944 be adopted.

#### FOR THE SENATE:

/s/ Harold Caskey  
/s/ Joe Maxwell  
/s/ Jerry T. Howard  
/s/ Roseann Bentley  
/s/ Morris Westfall

#### FOR THE HOUSE:

/s/ Phil Smith  
/s/ D. J. Davis  
/s/ Kate Hollingsworth  
/s/ Emmy McClelland  
/s/ Jewell Patek

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS--Senators

Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Klarich	Mathewson	Maxwell

Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Kinder	Rohrbach	Schneider--3	
	Absent--Senators		
Bland	Clay--2		
	Absent with leave--Senator Johnson--1		

On motion of Senator Caskey, **CCS** for **HCS** for **SB 944**, entitled:

## CONFERENCE COMMITTEE SUBSTITUTE FOR

## HOUSE COMMITTEE SUBSTITUTE FOR

## SENATE BILL NO. 944

An Act to repeal sections 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 161.650, 163.031, 165.011, 165.016, 167.020, 167.023, 167.115, 167.117, 167.171, 170.250, 210.865 and 571.030, RSMo Supp. 1999, relating to school safety, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

### NAYS--Senators

Kinder	Rohrbach--2
	Absent--Senator Clay--1
	Absent with leave--Senator Johnson--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SCS** for **HB 1948** and grant the House a conference thereon, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker is removing Representative Griesheimer from the conference committee on **HS** for **HCS** for **SB 856**, as amended, and adding Representative Shields to the conference committee on **HS** for **HCS** for **SB 856**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 858**, entitled:

An Act to repeal sections 610.021, 610.022 and 610.027, RSMo Supp. 1999, relating to the sunshine law, and to enact in lieu thereof five new sections relating to the same subject.

With House Amendments Nos. 1 and 2, House Substitute Amendment No. 1 for House Amendment No. 3, Part 1 of House Amendment No. 4, Part 2 of House Amendment No. 4, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendment Nos. 11, 12, 13, 14 and 15.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 5, Section 610.021, Lines 14 through 17, by deleting said lines and by inserting in lieu thereof the following:

"such a legal action. **Any vote taken on a question deemed closed pursuant to this subsection shall be by roll call vote as set out in 610.015 and shall be made public as set out above.** Legal work product shall be considered a"; and

Further amend said section, Page 6, Lines 2 through 4, by deleting said lines and by inserting in lieu thereof the following:

"estate. **Any vote taken on any question deemed closed pursuant to this subsection shall be by roll call vote as set out in 610.015 and shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate;**" and

Further amend said section, Page 6, Lines 15 through 18, by deleting said lines and by inserting in lieu thereof the following:

"decision is made available to the public. **Any vote taken on any question deemed closed pursuant to this subsection shall be by roll call vote as set out in 610.015 and shall be made public within 72 hours of the close of the meeting where such action occurs, as further set out above.** As used in this".

### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 858 (3809L.10F), Page 3, Section 197.760, Lines 3-12 of said page, by deleting said lines and inserting in lieu thereof the following:

(2) Discussion and analysis of:

- (a) Developing a new health service or a new facility;
- (b) Expanding or revising an existing health service or facility; or
- (c) Entering into a shared service arrangement or other affiliation agreement.

No final decision to implement paragraph (a), (b), or (c) of this subdivision may be made by the governing body of a public hospital or a related organization until 30 days after a public meeting has been held by the governing body, at which the proposed action has been made public, with notice of said meeting having been given pursuant to section 610.020, RSMo;"; and

Further amend said bill, Page 4, Section 197.760, Line 6 of said page, by deleting the number "(2)" and inserting in lieu thereof the number "(3)".

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Lines 8-9, by deleting the words "two years following the termination of such contract" and inserting in lieu thereof the words "eighteen months following the termination of such contract".

#### HOUSE AMENDMENT NO. 4

#### PART I

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 18, by inserting immediately after the word "[purposely]" the word "**knowingly**"; and

#### HOUSE AMENDMENT NO. 4

#### PART II

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 21, by deleting the word "**twenty-five**" and by inserting in lieu thereof the word "**five**".

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 8, Section 610.021, Line 19, by adding after the word "restructuring" the following: "**or retail choice, for natural gas or electric service**"; and

Further amend said line, by deleting the word [electric]; and

Further amend on Line 23, by deleting the word [electric]; and

Further amend on Line 24, after the word "areas" by adding the following: "**for natural gas or electric service**".; and

Further amend Page 9, Line 2, by deleting the word "electric"; and

Further amend Page 9, Line 8, by deleting the word "electric"; and

Further amend said line, by adding after the word "utility" the following: "**supplying natural gas or electric service**"; and

Further amend Line 9, by deleting all the remainder of said subsection after the word "the" and inserting in lieu thereof the following: "**general assembly does not adopt, on or before December 31, 2002, legislation authorizing electric**

utility restructuring"; and

## HOUSE SUBSTITUTE AMENDMENT NO. 1

### FOR HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 1, In the Title, Line 5 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "five" and inserting in lieu thereof the word "six" and by inserting after the number "197.760," the number "197.765,"; and

Further amend said bill, Page 4, Section 197.760, Line 2 of said page, by inserting after the word "section" the words "or section 197.765"; and

Further amend said bill, Page 4, Section 197.760, Line 13 of said page, by inserting after said line the following:

"197.765. The meetings and records of a public hospital as defined in subdivision 2 of subsection 1 of section 197.760 shall not be construed to be a public record or a public meeting as defined in subdivisions (5) and (6) of section 610.010, RSMo, if:

(1) the public hospital does not receive money from a tax levy imposed by the city, county or hospital district that established the hospital, and

(2) the public hospital waives its right to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo.".

## HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 9, Section 610.021, Lines 12-15, by deleting said lines and inserting in lieu thereof the following:

"(19) Financial records, business and marketing plans and other proprietary information submitted as a part of a sealed bid or sealed proposal."; and

Further amend said bill, Page 9, Section 610.022, Line 17, by adding before the word "No", the following: "Laws relating to open meetings and governmental records shall be included with financial disclosure forms provided to candidates and elected officials by the Office of Secretary of State.".

## HOUSE SUBSTITUTE AMENDMENT NO. 1

### FOR HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 10, Section 610.022, Line 24 of said page, by inserting after all of said line the following:

"610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records shall not exceed the actual cost of document search and duplication[. Upon request, the governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body] **or twenty-five cents per page, whichever is less. If the actual cost of search and duplication exceeds twenty-five cents per page, then the governmental body shall certify in writing why the search of the specific documents will require extraordinary effort and then the governmental body may charge the actual cost of search and duplication.** Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or

reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, shall include only the cost of copies, staff time required for making copies and programming, if necessary, and the disk or tape used for the duplication.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in section 22 of article X of the Constitution of the state of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980."; and

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill 858, Page 4, Section 197.760, Line 13, by inserting immediately after said line the following:

"217.412. **1.** It shall be the duty of the department of corrections to ensure that an autopsy is performed upon all offenders within the custody of the department who die under violent or suspicious circumstances or apparent suicide to ascertain as nearly as possible the cause of death. The department shall maintain a record of the findings and conclusions of each such autopsy.

**2. The department shall provide a copy of such record to any member of the general assembly upon request."**

#### HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Line 13, by inserting immediately after said line the following:

"610.015. Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and [if a roll call is taken, as to attribute] **attributed as to** each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed **or open** meeting shall be taken by roll call, **except votes on procedural or ministerial matters**. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication."; and

Further amend title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Line 13, by inserting immediately after said line the following:

"610.010. As used in sections 610.010 to 610.030 and sections 610.100 to 610.150, unless the context otherwise indicates, the following terms mean:

- (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;
- (2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;
- (3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;
- (4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:
  - (a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, **and including, but not limited to, the University of Missouri**, which is supported in whole or in part from state funds;
  - (b) Any advisory committee or commission appointed by the governor by executive order;
  - (c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;
  - (d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
  - (e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds, **including, but not limited to, the University of Missouri**, for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision; and
  - (f) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:
    - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
    - b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through

approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation;

(5) "Public meeting", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;

(6) "Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting;

(7) "Public vote", any vote cast at any public meeting of any public governmental body."; and

Further amend said bill by amending the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 8, Section 610.021, Line 17 on said page, by inserting immediately after the word "product" the following:

**", but this exception shall not include any completed audit for any public entity or state- supported college or university;"**.

#### HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Bill No. 858, Page 1, Section 166.456, Line 18, by inserting after all of said line the following:

"193.245. It shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital records or to copy or issue a copy of all or part of any such record except as authorized by this law and by regulation or by order of a court of competent jurisdiction or in the following situations:

(1) A listing of persons who are born or who die on a particular date may be disclosed upon request, but no information from the record other than the name and the date of such birth or death shall be disclosed;

(2) The department may authorize the disclosure of information contained in vital records for legitimate research purposes;

(3) To a qualified applicant as provided in section 193.255;

**(4) The department shall provide microfilms or electronically created copies of all vital records that are seventy-two years old or older, and microfilms or electronically created copies of indexes to such records to the state**



archives for study by the public."; and

Further amend title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 577**, entitled:

An Act to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546 and 260.569, RSMo 1994, and sections 260.475, 260.479 and 260.500, RSMo Supp. 1999, relating to hazardous waste, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an expiration date for a certain section.

With House Amendment No. 1 to HCS and House Amendment No. 1 to Part 2 of HCS.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 24, Section 260.569, Line 39, by inserting after all of said line the following:

**"701.337. 1. The department shall have the authority to develop a plan for implementing a program that provides financial assistance via loans or grants to owners of dwellings or child-occupied facilities for performing lead abatement projects. In developing the plan, the department shall consult with the department of natural resources and the department of economic development.**

**2. The program shall accept applications from local entities for implementing at the local level of lead abatement projects that conform with the requirements of sections 701.300 to 701.338, and any rules promulgated thereunder. For purposes of this section, "local entities" shall include any municipality or county, any local not-for-profit community or housing organization or any community assistance project agency.**

**3. There is hereby established in the state treasury the "Missouri Lead Abatement Loan Fund". The state treasurer shall receive and deposit to the credit of the fund moneys from appropriations by the general assembly, repayments by applicants of loans made pursuant to this section, including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of this section. The state treasurer shall deposit all moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium. The fund shall be used solely for the purposes of this section and for no other purpose."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1

#### TO PART II

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, In the title, Line 5, by deleting the following: "a certain section" and inserting in lieu thereof the following: "certain sections"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "eleven" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the following: "and 260.569," and inserting in lieu thereof the following: ", 260.569, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955 and 260.960,"; and

Further amend said bill, Page 24, Section B, Lines 1 to 3, by deleting all of said lines; and

Further amend said bill, Pages 26 to 27, Section 260.905, Lines 13 to 42, by deleting all of said lines; and

Further amend said bill, Page 27, Section 260.905, Line 43, by deleting the symbol "(3)" and inserting in lieu thereof the symbol "(1)"; and

Further amend said bill, Page 27, Section 260.905, Line 46, by deleting the symbol "(4)" and inserting in lieu thereof the symbol "(2)"; and

Further amend said bill, Page 27, Section 260.905, Line 56, by deleting the symbol "(5)" and inserting in lieu thereof the symbol "(3)"; and

Further amend said bill, Page 27, Section 260.905, Line 59, by deleting the symbol "(4)" and inserting in lieu thereof the symbol "(2)"; and

Further amend said bill, Page 28, Section 260.910, Line 4, by adding immediately after the number "**260.960**" the following: ", **or operate an active dry cleaning facility in violation of any other applicable federal or state environmental statutes, rules or regulations**"; and

Further amend said bill, Page 29, Section 260.925, Line 5, by deleting the words "**(4) and (5) of subsection 5**" and inserting in lieu thereof the words "**(2) and (3) of subsection 2**"; and

Further amend said bill, Page 30, Section 260.925, Line 44, by deleting the word "**or**"; and

Further amend said bill, Page 30, Section 260.925, Line 47, by inserting immediately after the word "**list**" the following: ";

**(5) For corrective action at sites with active dry cleaning facilities where the owner or operator is not in compliance with sections 260.900 to 260.960, rules and regulations adopted pursuant to sections 260.900 to 260.960, orders of the director pursuant to sections 260.900 to 260.960, or any other applicable federal or state environmental statutes, rules or regulations; or**

**(6) For corrective action at sites with abandoned dry cleaning facilities that have been taken out of operation prior to July 1, 2004, and not documented by or reported to the department by July 1, 2004. Any person reporting such a site to the department shall include any available evidence that the site once contained a dry cleaning facility"; and**

Further amend said bill, Page 32, Section 260.925, Line 98, by deleting the words "**subsection 3**" and inserting in lieu thereof the words "**subsection 5**"; and

Further amend said bill, Page 32, Section 260.925, Lines 112 to 114, by deleting all of said lines; and

Further amend said bill, Page 34, Section 260.940, Line 6, by deleting the word "**ten**" and inserting in lieu thereof the word "**eight**"; and

Further amend said bill, Page 37, Section C, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section B. Sections 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955 and 260.960 of this act shall expire on August 28, 2007."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

## **CONFERENCE COMMITTEE**

### **APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1948**: Senators Staples, Mathewson, Scott, Childers and Westfall.

### **RESOLUTIONS**

Senator Graves offered Senate Resolution No. 1758, regarding Franklin E. Schottel, Ludlow, which was adopted.

Senator Yeckel offered Senate Resolution No. 1759, regarding the Ninetieth Birthday of Mrs. Orlou M. Dotzman, St. Louis, which was adopted.

Senator Maxwell offered Senate Resolution No. 1760, regarding Owens Kollar, Macon, which was adopted.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Tuesday, May 9, 2000.

## **SENATE CALENDAR**

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SEVENTIETH DAY-TUESDAY, MAY 9, 2000

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## **FORMAL CALENDAR**

## **SENATE BILLS FOR PERFECTION**

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &

HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs

1652 & 1433-Hoppe,

with SCAs 1, 2, 3,

4, 5 & 6 (Caskey)

(In Budget Control)

2. HS for HCS for HBs

1677, 1675 & 1676-

Riback Wilson,

with SCS (Jacob)

3. HS for HB 1238-Hoppe,

with SCS (Mathewson)

4. HS for HCS for

HB 1797-Gratz,

with SCA 1 (Goode)

5. HS for HCS for HBs

1172, 1501, 1633,

1440, 1634, 1177 &

1430-Davis (122nd),

with SCS (Howard)

6. HS for HCS for

HB 1762-Williams

(159th), with SCS

(Caskey)

7. HCS for HB 1144, with

SCS (Johnson)

8. HJR 43-Barry, et al (House)

9. HS for HCS for HB 1481-

Smith (Maxwell)

10. HCS for HB 1644, with

SCS (Scott)

11. HS for HCS for HBs

1215 & 1240-Smith,

with SCS (Caskey)

12. HB 1768-Ward, with

SCS (Staples)

13. HB 1326-Mays (50th),

with SCAs 1 & 2

(Goode)

14. HS for HB 1728-Backer,

with SCS (Flotron)

(In Budget Control)

15. HS for HCS for HBs 1489,

1488 & 1650-Kennedy,

with SCS (Maxwell)

(In Budget Control)

16. HS for HCS for HB 1305-

Rizzo, with SCS (DePasco)

(In Budget Control)

17. HS for HCS for HB 1254-

Kissell, with SCS (Caskey)

18. HB 1499 & HB 1579-

Hoppe, with SCS (Scott)

19. HB 1946-Dougherty

(Maxwell)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)

SBs 584, 539, 630, 777,

796, 918 & 927-Bentley,

with SCS & SS for SCS

(pending)

SBs 599 & 531-Schneider,

with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with

SCS & SA 1 (pending)

SB 720-Caskey, with SS &

SA 3 (pending)

SB 729-House, with SCS &

SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with

SCS

SBs 807, 553, 574, 614,  
747 & 860-Jacob, with  
SCS, SS for SCS & SA 2  
(pending)  
SB 817-Stoll, with SCS  
SBs 818 & 564-Maxwell and  
Kinder, with SCS

SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5  
(pending)

SB 827-Scott, et al, with  
SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,  
with SCS, SA 2, SSA 1  
for SA 2 & SA 3 to SSA  
1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,  
with SS, SA 2 & point  
of order (pending)

SB 1047-Rohrbach, with  
SCS (pending)

SB 1048-Mathewson, with  
SCS

SJR 45 & 41-House, with  
SCS (pending)  
SJR 46-Goode, et al, with  
SCS (pending)  
SJR 47-Quick, et al, with  
SCS, SS for SCS, SA 1,  
SSA 1 for SA 1 & point  
of order (pending)

## HOUSE BILLS ON THIRD READING

HS for HCS for HB 1076-  
Relford, with SCS (Stoll)  
HB 1082-Crump, with SCS  
& SA 1 (pending)  
(Childers)  
SCS for HB 1292-Auer  
(Jacob)  
(In Budget Control)  
SCS for HCS for HBs 1386  
& 1086 (Maxwell)  
(In Budget Control)  
HB 1443-Koller, with SCS  
& SS for SCS (pending)  
(Johnson)  
HS for HCS for HBs 1566  
& 1810-Bray, with SCS  
(Scott)



HS for HB 1603-May

(108th), with SCS

(pending) (Jacob)

HS for HB 1615-Hosmer,

with SCS, SS for SCS,

SA 9 & SSA 1 for SA 9

(pending) (Caskey)

HB 1706-Gambaro, et al,

with SCS (Clay)

HS for HCS for HJR 61-Van

Zandt, with SCS, SA 1

& SA 7 to SA 1

(pending) (Quick)

## CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin  
(Wiggins)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 577-  
Maxwell, with HCS, as  
amended

SB 858-Maxwell, with HS  
for HCS, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended

SB 788-Johnson, with HS  
for HCS, as amended

SS for SB 813-House, with  
HCS, as amended

SB 856-Maxwell, with HS  
for HCS, as amended

SB 881-Wiggins, with HS  
for HCS, as amended

SB 944-Caskey, with HCS,  
as amended

(Senate adopted CCR  
and passed CCS)

HB 1591-Backer, with SCS  
(Howard)

HS for HCS for HB 1742-  
Koller, with SCS, as  
amended (Mathewson)

(House adopted CCR  
and passed CCS)

HB 1808-O'Toole, with SS  
for SCS, as amended  
(Scott)

HB 1848-Treadway, with

SCS (Carter)

HB 1948-Gratz, et al,

with SCS (Staples)

#### Requests to Recede or Grant Conference

SB 896-Klarich, with HS

for HCS, as amended

(Senate requests House

recede and pass the bill)

SB 961-Stoll and Maxwell,

with HS, as amended

(Senate requests House

recede or grant conference)

#### RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

SCR 38-Caskey, with HA 1

To be Referred

HCR 28-Van Zandt, et al

Reported from Committee

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House

SCR 43-Maxwell

SCR 41-Scott, with SCS

SCR 42-Rohrbach and

Johnson, with SCA 1

HCR 22-Liese (House)

(In Budget Control)

HCR 27-Ross, et al

HCR 4-Kennedy and

Thompson (Howard)

HCR 29-Graham (Jacob)

HCR 10-Auer, with SCA 1

(Jacob)

SCR 26-Howard

HCR 34-Clayton

# Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY--TUESDAY, MAY 9, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

David wrote: "The eyes of the Lord are upon the righteous, and His ears are open to their cry." (Psalm 34:15)

Gracious and loving Father, we know that like a loving mother's eyes are ever on her newborn Your eyes are upon us, persons of Your tender care. Let us be ever aware of the assurance of Your loving presence, whose eyes seek us out and ears open to the whispers and sighs of our souls, not to catch us doing wrong but so that we may know we are blessed with the comfort that nothing escapes Your attentiveness and that You hold us in the hollow of Your hands. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

## Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Childers offered Senate Resolution No. 1761, regarding Olen Leon Allen, Highlandville, which was adopted.

Senator Childers offered Senate Resolution No. 1762, regarding Wilda Smith, Galena, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1763

WHEREAS, the members of the Missouri Senate have learned of the impending retirement of Representative Steve McLuckie from the Missouri House of Representatives; and

WHEREAS, Representative McLuckie, representing the 44th District, south Kansas City, has served as a member of the Missouri House of Representatives since 1992; and

WHEREAS, Representative McLuckie has served as Chair, Joint Committee on Economic Development Policy, and Planning, Vice Chairman of Appropriations: General Administration, as a member of Accounts, Operations and Finance, Budget, Critical Issues, Education, Elementary and Secondary, Ethics, and Fiscal Review; and

WHEREAS, Representatives McLuckie served as an Organizing Director for the American Federation of Teachers for this year and is currently an Organizing Director for the Missouri National Education Association; and

WHEREAS, Representative McLuckie and his wife, Jan, are the parents of two very active All American boys, Zack and Kramer who add a lot of excitement and fun to their lives;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service to the citizens of the 44th District and to the people of Missouri by Representative Steve McLuckie, express their appreciation for his cheerful cooperation and dedication to duty during the past six years and extend to Representative McLuckie and his family very best wishes for many long years continued success, good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Representative Steve McLuckie and MNEA.

## CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 38**, with **HA 1**, be taken up for adoption, which motion prevailed.

**HA 1** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

### YEAS--Senators

Bentley	Carter	Caskey	Childers
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

### NAYS--Senator Graves--1

### Absent--Senators

Bland	Clay	Ehlmann--3
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### Absent with leave--Senators--None

On motion of Senator Caskey, **SCR 38**, as amended, was adopted by the following vote:

### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators		
Graves	Klarich--2		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Maxwell moved that **SCR 43** be taken up for adoption, which motion prevailed.

On motion of Senator Maxwell, **SCR 43** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Scott moved that **SCR 41**, with **SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **SCR 41**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR

#### SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, for many years St. Louis has been known as the Gateway to the West; and

WHEREAS, in a city more than two hundred years old, there is a new spirit of revitalization that is focused on its historic core in Downtown; and

WHEREAS, this spirit of renewal is evident from the Gateway Arch with its Museum of Westbound Expansion through Laclede's Landing, to Union Station, Soulard and along Washington Avenue; and

WHEREAS, Downtown St. Louis is the largest employment center in the State of Missouri and the heart of the St. Louis Metropolitan Area; and

WHEREAS, Downtown St. Louis has gone through a period of decline with the loss of businesses, jobs and deteriorating buildings and public facilities, and is having to face the growth of many shopping centers in the surrounding areas; and

WHEREAS, over the years numerous plans have been offered to rejuvenate Downtown St. Louis:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, establish the Joint Interim Committee on the Revitalization of the City of St. Louis. The members shall consist of five state senators appointed by the President Pro Tem of the Senate and five state representatives appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee may solicit input from governmental and business leaders of the City of St. Louis; and



BE IT FURTHER RESOLVED that the Committee shall review and evaluate reports, studies and other information with respect to the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall make an in-depth study and evaluation of the alternatives to finance the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 1, 2001; and

BE IT FURTHER RESOLVED that the expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties.

Senator Scott moved that **SCS** for **SCR 41** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SCR 41** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Rohrbach	Schneider--2		
Absent with leave--Senators--None			

Senator Rohrbach moved that **SCR 42**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCR 42**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Howard	Schneider--2		
	Absent with leave--Senators--None		

Senator Howard moved that **HCR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **HCR 4** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Scott--2		
Absent with leave--Senators--None			

Senator Jacob moved that **HCR 29** be taken up for adoption, which motion prevailed.

On motion of Senator Jacob, **HCR 29** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senators--None			

Senator Jacob moved that **HCR 10**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Jacob, **HCR 10**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell

Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
 Absent--Senator Scott--1  
 Absent with leave--Senators--None

Senator Mathewson requested unanimous consent of the Senate that the Committee on State Budget Control be allowed to meet while the Senate is in session, which request was granted.

## REFERRALS

President Pro Tem Quick referred **HCR 28** to the Committee on Rules, Joint Rules and Resolutions.

## CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 26** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **SCR 26** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
 Absent--Senator Scott--1  
 Absent with leave--Senators--None

Senator DePasco moved that **HCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 34** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None  
 Absent--Senator Scott--1  
 Absent with leave--Senators--None

Senator Stoll moved that **HCR 27** be taken up for adoption, which motion prevailed.

On motion of Senator Stoll, **HCR 27** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Scott--1

Absent with leave--Senators--None

## REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HB 1292**, begs leave to report that it has considered the same and recommends that the bill do pass.

## CONCURRENT RESOLUTIONS

Senator House moved that **HCR 22** be taken up for adoption, which motion prevailed.

On motion of Senator House, **HCR 22** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--29

NAYS--Senators

DePasco--2

Absent--Senators

Schneider

Scott--3

Absent with leave--Senators--None

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 741**, entitled:

An Act to repeal sections 247.050 and 249.255, RSMo 1994, and sections 247.030, 249.422, 393.705 and 393.715, RSMo Supp. 1999, relating to water pollution control, by adding thereto nine new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4 and 5.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 741, Pages 1 to 3, Section 247.030, Lines 1 to 70, by deleting all of said section; and

Further amend said bill, Pages 3 and 4, Section 247.050, Lines 1 to 42, by deleting all of said section; and

Further amend said bill, Pages 5 and 6, Section 393.705, Lines 1 to 35, by deleting all of said section; and

Further amend said bill, Pages 6 to 9, Section 393.715, Lines 1 to 88, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 741, Page 1, In the title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 247.050, 249.255 and 278.130, RSMo 1994, sections 247.030, 249.422, 393.705 and 393.715, RSMo Supp. 1999, section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to water pollution control, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for a certain section."; and

Further amend said bill, Page 9, Section 644.576, Line 5, by inserting after all of said line the following:

"Section B. Section 278.130, RSMo 1994, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, are repealed and three new sections enacted in lieu thereof, to be known as sections 278.080, 278.130 and 278.135, to read as follows:

**278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and**

water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of four ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. The membership shall be geographically dispersed with no more than one of the farmer members appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, the director of the department of conservation, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of the member's livelihood from a farm, all at the time of appointment to the commission. The farmer members shall each be appointed for a period of three years. All members of the commission serving as of the effective date of this act may continue to serve the unexpired portion of the member's current term. There is no limitation on the number of terms that any of the farmer members appointed by the governor may serve. If any farmer member vacates his or her term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term. Each member of the commission shall continue to serve until the member's successor has been duly appointed and qualified.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The ex officio members shall not have the power to vote on any matter before the commission. A quorum shall consist of four farmer members. For the determination of any matter within the commission's authority, at a meeting comprised of four farmer members, a concurrence of three shall be required. No business of the commission shall be executed in absence of a quorum. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

**(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;**

**(5) Subject to district allocations by the commission and other resources, to provide training, programs and other assistance to soil and water conservation districts to identify programs that respond to the character of the districts' needs;**

**(6) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;**

**(7) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district that has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;**

**(8) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;**

**(9) To promulgate such rules and regulations as may be necessary to effectively administer a state-funded soil and water conservation cost-share program. Any rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

[278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and five farmer members, the latter five to be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and two of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than three of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the five farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms

which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program. No rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]



[278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The chairman shall serve in a nonvoting capacity, unless the votes cast by the commission are equally divided, in which case the chairman shall cast the deciding vote. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

7. Upon filing any proposed rule with the secretary of state the filing agency shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

8. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

9. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

(1) An absence of statutory authority for the proposed rule;

(2) An emergency relating to public health, safety or welfare;

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

10. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion

of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

11. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

12. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV, of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

278.130. 1. The soil and water supervisors of any soil and water district shall not

(1) Have or exercise the right of eminent domain;

(2) Incur indebtedness beyond available funds;

(3) Issue bonds;

(4) Levy taxes;

(5) Make or levy benefit assessments or any other kind of assessments;

(6) Take contributions from that soil and water district by exactions or persuasions;

(7) Engage in the marketing of farm products or in the buying and selling of farm supplies other than those products or supplies used or needed directly or indirectly in soil and water conservation work, **subject to section 278.135**;

(8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.

2. They may accept voluntary contributions from any source, if the donations are offered for the sole and exclusive purpose of promoting the saving of soil and water within the soil and water district, and if the soil and water supervisors satisfactorily guarantee to the donors the faithful use of their donations for that purpose.

**278.135. 1. Any soil and water conservation district engaged in the marketing or buying and selling of farm products used directly or indirectly in soil conservation shall be required to obtain approval from the state soil and water districts commission to continue such activity if the commission receives written complaints from three or more business entities. Upon request from any person, all soil and water conservation districts shall provide information on the complaint procedure provided for in this section, including information on how to contact the state soil and water districts commission.**

**2. The commission shall notify the district upon receiving complaints from three or more business entities pursuant to subsection 1 of this section, and request that the district provide information to the commission on the marketing, buying, and selling activity within sixty days. The commission shall consider information provided by the district and any written comments from concerned citizens and businesses in making its determination. The commission shall grant approval only upon finding that the products being marketed, bought, and sold are:**

**(1) Reasonably related to soil and water conservation; and**

**(2) Not readily available in the area.**

If the commission grants approval to a district, no complaints about the marketing, buying, or selling activities of such district shall be accepted by the commission from any business entity for a period of one year after the date of approval, and no such complaints shall be accepted by the commission from the same business entities that initiated the approval procedure pursuant to this section for a period of three years after the date of approval.

3. The commission shall enact rules to allow districts with a pending approval request, or districts that have had their approval denied, to sell any existing inventory of products within a reasonable time. This subsection shall not be interpreted to allow any district with a pending approval request to restock or replenish its inventory until such district has received approval from the commission.

4. The commission is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

Section C. Because immediate action is necessary for the soil and water districts commission to administer the state soil and water districts, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 741, Page 3, Section A, Line 70, by inserting after all of said line the following:

"247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds[, or] **and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water.** If any such bonds [are] **or debt is** outstanding, [that] **and** the written consent of the holders [thereof] **of such bonds or the creditors to such debt** is obtained, **then such territory may be detached in spite of the existence of such bonds or debt**, except such consent shall not be required for special obligation bonds if the district has no waterlines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the

proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....  
COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR  
TERRITORIAL DETACHMENT FROM  
PUBLIC WATER SUPPLY DISTRICT NO. ....  
OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:  
  
(Describe tracts of land).
2. That a hearing on said petition will be held before this court on the ..... day of ....., [19] **20** ..., at ....., ....m.
3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.
4. The names and addresses of the attorneys for the petitioner are:  
  
.....  
  
Clerk of the Circuit Court of  
  
..... County, Missouri
3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.
4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.
5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court

shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

247.170. 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than twenty-five voters within the water supply district, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to **assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.**

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply

district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redive the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 741, Page 9, Section 393.715, Line 88, by inserting after all of said line the following:

"640.220. 1. For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the "Natural Resources Protection Fund". All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the **director of the department of natural resources, transmitted to the** director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law. The air pollution permit fee revenues shall be deposited in an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of section 643.075, RSMo. The water pollution permit fee revenues generated through sections 644.052 [and], 644.053, **644.054 and 644.061**, RSMo, shall be paid to the **director of the department of natural resources, transmitted to the** director of the department of revenue and deposited to the credit of the water pollution permit fee subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141, RSMo.

2. Effective July 1, 1991, the provisions of section 33.080, RSMo, to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall revert to the general revenue fund of the state at the end of each biennium. All interest earned on the natural resources protection funds shall accrue to appropriate subaccounts.

644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated [under authority of] **pursuant to** sections 644.006 to 644.141, the following words and phrases mean:

(1) **"Commission", the clean water commission of the state of Missouri created in section 644.021;**

(2) **"Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;**

[(2)] (3) **"Department", the department of natural resources;**

(4) **"Director", the director of the department of natural resources;**

(5) **"Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;**

[(3)] (6) **"Effluent control regulations", limitations on the discharge of water contaminants;**

(7) **"General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;**

**(8) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;**

[(4)] **(9) "Income"** includes retirement benefits, consultant fees, and stock dividends;

[(5)] **(10) "Minor violation"**, a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

**(11) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;**

[(6)] **(12) "Permit holders or applicants for a permit"** shall not include officials or employees who work full time for any department or agency of the state of Missouri;

[(7)] **(13) "Person"**, any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

[(8)] **(14) "Point source"**, any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged;

[(9)] **(15) "Pollution"**, such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

[(10)] **(16) "Pretreatment regulations"**, limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment [under] **pursuant to** any federal water pollution control act or guidelines shall be limited or treated [hereunder] **pursuant to this chapter** only as required by such act or guidelines;

[(11)] **(17) "Residential housing development"**, any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

**(18) "Sewer system"**, pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

[(12)] **(19) "Significant portion of his or her income"** shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

[(13)] **(20) "Site-specific permit"**, a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

**(21) "Treatment facilities"**, any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;



[(14)] **(22)** "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

[(15)] **(23)** "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 and nonpoint source [under] **pursuant to** any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

[(16)] **(24)** "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

[(17)] **(25)** "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

644.021. 1. There is hereby created a water contaminant control agency to be known as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The commission shall consist of six members appointed by the governor with the advice and consent of the senate. No more than three of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. Two such members, but no more than two, shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with the purposes of sections 644.006 to 644.141. No member shall receive, or have received during the previous two years, a significant portion of his **or her** income directly or indirectly from permit holders or applicants for a permit [under] **pursuant to** any federal water pollution control act as amended and as applicable to this state. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. The members' terms of office shall be four years and until their successors are selected and qualified. Provided, however, that the first three members appointed shall serve a term of two years, the next three members appointed shall serve a term of four years, thereafter all members appointed shall serve a term of four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the [executive secretary] **director** to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred specifically upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 **of this section**.

[4. The commission shall appoint an executive secretary who shall act as its administrative agent and whose powers shall be limited to those necessary under sections 644.006 to 644.141 or any federal water pollution control act, and he shall be qualified, by education, training, and experience, in technical matters in water contaminant control.]

644.026. 1. The commission shall:

- (1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;
- (2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;
- (3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;
- (4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;
- (5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties [under] **pursuant to** sections 644.006 to 644.141;
- (6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;
- (7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible [under] **pursuant to** any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;
- (8) Adopt, amend, promulgate, or repeal after due notice and hearing, rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution;
- (9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;
- (10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;
- (11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;
- (12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, **except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;**
- (13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and

time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

**(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;**

**(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;**

**[(15)] (16) Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;**

**[(16)] (17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;**

**[(17)] (18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;**

**[(18)] (19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;**

**[(19)] (20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;**

**[(20)] (21) Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued [hereunder] **pursuant to sections 644.006 to 644.141**, any condition which the commission or [executive secretary] **director** has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued [hereunder] **pursuant to sections 644.006 to 644.141**. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection [under this provision] **pursuant to this subdivision**, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him **or her** to make such inspection. Information obtained [under] **pursuant to this section** shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required [under] **pursuant to** any federal water pollution control act;**

**[(21)] (22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the**

provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

[(22)] **(23)** Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision of the state or the federal government;

[(23)] **(24)** Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the [executive secretary hereunder] **director**, and to make them public, except as provided in subdivision [(20)] **(21)** of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program [under] **pursuant to** any federal water pollution control act;

[(24)] **(25)** Take any action necessary to implement continuing planning processes and areawide waste treatment management as established [under] **pursuant to** any federal water pollution control act or sections 644.006 to 644.141.

2. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024,] **chapter 536**, RSMo.

644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the [executive secretary] **director** for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the [executive secretary] **director**, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536, RSMo.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission [if not subject to effluent regulations adopted pursuant to sections 644.006 to 644.141];

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the [executive secretary] **director** for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the [executive secretary] **director** for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The [executive secretary] **director** shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the [executive secretary] **director** determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the [executive secretary] **director** shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the [executive secretary] **director** determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the [executive secretary] **director** shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the [executive secretary] **director** shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The [executive secretary] **director** shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The [executive secretary] **director**, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The [executive secretary] **director** shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The [executive secretary] **director** or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The [executive secretary] **director** shall promptly notify the applicant [or other affected party] in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit [hereunder] **issued pursuant to this section** shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. [All moneys remaining in the Missouri clean water fund on August 28, 1990, shall be transferred to the water pollution permit fee subaccount of the natural resources protection fund.] Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

10. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

11. The [executive secretary] **director** or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

**12. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.**

**(2) If the department fails to issue or deny with good cause a construction or operating permit application within the timeframes established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established timeframe. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.**

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the timeframes established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the timeframes established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semi-annual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

13. The department shall respond to all requests for individual certification under section 401 of the federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

14. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

644.052. 1. Persons with operating permits **or permits by rule** issued pursuant to this chapter shall pay [a permit fee as provided in this section. For the purposes of this section "population equivalent" is a measure used in the design and comparison of sewage treatment plants which represents the number of people who could be expected to contribute any specific amount of waste water. A city or publicly owned treatment works or a sewer district shall annually pay a fee as established in subsection 2 of this section but such fee shall be at least one and one-half cents per population equivalent and not more than ten cents per population equivalent; provided, however, that such fee shall not be less than fifteen dollars annually.] **fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.**

2. A [city or publicly owned treatment works, a] privately owned treatment works[, ] **or** an industry which treats only [domestic] **human** sewage [as defined in section 701.025, RSMo, or a sewer district] shall annually [collect and] pay **a fee based upon the design flow of the facility as follows:**

(1) [Fifteen] **One hundred** dollars if the design flow is less than five thousand gallons per day;

(2) [Fifty] **One hundred fifty** dollars if the design flow is equal to or greater than five thousand gallons per day but less than [two hundred fifty] **six** thousand gallons per day;

(3) [Five hundred dollars if the design flow is equal to or greater than two hundred fifty thousand gallons per day but less than five hundred thousand gallons per day;

(4) One thousand dollars if the design flow is equal to or greater than five hundred thousand gallons per day but less than seven hundred fifty thousand gallons per day;

(5) One thousand five hundred dollars if the design flow is equal to or greater than seven hundred fifty thousand gallons per day but less than one million gallons per day;

(6) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day but less than five million gallons per day; or

(7) Three thousand dollars if the design flow is equal to or greater than five million gallons per day.] **One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;**

**(4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;**

**(5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;**

**(6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;**

**(7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;**

**(8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;**

**(9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;**

**(10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;**

**(11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;**

**(12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;**

**(13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;**

**(14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;**

**(15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;**

**(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;**



**(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;**

**(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or**

**(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.**

3. [In addition to the fees required in subsection 2 of this section, a city or publicly owned treatment works, a privately owned treatment works or a sewer district which operates an approved pretreatment program shall annually collect and pay:

**(1) Three thousand dollars if the combined design flow is less than five million gallons per day; or**

**(2) Six thousand dollars if the combined design flow is equal to or greater than five million gallons per day.**

4.] Persons who produce industrial process wastewater which requires treatment[, identified in 40 CFR 405 through 40 CFR 464,] **and who apply for or possess a site-specific permit** shall annually pay:

**(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or**

**(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:**

**(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or**

**[(2)] (b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.**

**4. Persons who apply for or possess a site-specific permit solely for industrial stormwater shall pay an annual fee of:**

**(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or**

**(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.**

5. Persons who produce industrial process wastewater who are not included in **subsection 2 or 3** of this section shall annually pay:

**(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or**

**(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.**

6. [The commission shall promulgate rules and regulations which specify treatment works, by category, whose discharge has only a minimal impact. Persons owning such treatment works, including private trout farms or hatcheries, may apply for a general permit. Persons who apply for a general permit which authorizes more than one discharge of the same type within a specific area shall pay a fee of one hundred fifty dollars for each such permit.] **Persons who apply for or possess a general permit shall pay:**

**(1) Three hundred dollars for the discharge of stormwater from a land disturbance site;**

**(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;**

**(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;**

**(4) One hundred fifty dollars annually for new permits for the discharge of process water or stormwater potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually.**

**7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.**

**8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.**

**9. Persons requesting water quality certifications in accordance with section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.**

**10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:**

**(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;**

**(6) Three dollars for commercial or industrial customers not served by a public water system as defined in**

chapter 640, RSMo;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

644.053. 1. Persons applying for a construction permit issued pursuant to this chapter shall pay a construction permit fee as [provided herein] **follows**:

(1) [Five hundred dollars] **Seven hundred fifty** for a [sewage] **wastewater** treatment plant if the design flow is less than five hundred thousand gallons per day;

(2) [One thousand five] **Two thousand two** hundred dollars for a [sewage] **wastewater** treatment plant if the design flow is equal to or more than five hundred thousand gallons per day;

(3) [Fifty] **Seventy-five** dollars for a sewer extension [if the extension is] **of** less than one thousand lineal feet of pipe;

(4) [Two] **Three** hundred dollars [for a construction permit] for a sewer extension equal to or more than one thousand lineal feet of pipe; or

(5) [Two] **Three** hundred dollars for each sewage pumping station.

2. The applicant shall pay the highest appropriate fee [under] **pursuant to** subdivisions (1) to (5) of subsection 1 of this section, but shall pay only [under] **pursuant to** one subdivision regardless of the nature of the planned construction.

3. The commission may establish, by rule, general permits for construction and establish fees for such permits that shall not exceed the construction permit fees provided for in subsection 1 of this section.

4. Persons who apply for or possess an operator's certificate for treatment of wastewater or for concentrated animal feeding operation waste management shall pay fees of:

(1) Forty-five dollars for an application for a certificate of competency, including an initial exam and the issuance of an initial certificate of competency;

(2) Twenty dollars for an application for subsequent exams of the same certification type and level if the

applicant fails the initial exam;

(3) Forty-five dollars for an application for a renewal of a certificate of competency;

(4) Forty dollars for an application for reciprocity with other certification programs; and

(5) Twenty-five dollars for the issuance of a reciprocated certificate of competency.

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, **except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052**, become effective October 1, 1990, and shall expire December 31, [2000] **2007. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, 2007.** The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected **pursuant to subsection 10 of section 644.052** by a city, **a public sewer district, a public water district or other** publicly owned treatment works [or a sewer district in sections 644.052 and 644.053] are state fees. [These fees may be passed through to persons who utilize the treatment works or sewer district and may be enumerated separately from all other charges.] **Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.**

**2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.**

**3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due in accordance with the following schedule after August 27, 2000:**

**(1) For new or renewed permits, fees shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated;**

**(2) For permits in effect on August 27, 2000, fees shall be due on each anniversary date of permit issuance until the permit is terminated;**

**(3) For general permits issued pursuant to subdivisions (2) and (4) of subsection 6 of section 644.052 and in effect on August 27, 2000, the permittee will be credited thirty dollars on each anniversary date of permit issuance that falls between August 27, 2000, and the date the permit expires.**

644.056. 1. The [executive secretary] **director** shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of sections 644.006 to 644.141 or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other investigations he **or she** deems advisable. Violations shall include obtaining a permit [hereunder] by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the [executive secretary] **director**, the investigation discloses that a violation does exist, [he] **the director** may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the [executive secretary] **director** shall order abatement or file an abatement complaint with the commission if no permit has been issued, or in addition may file a complaint to revoke a permit if such permit has been issued. When the [executive secretary] **director** files a complaint, the commission shall order a hearing. The [executive secretary] **director** shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint,

which shall specify the provision of sections 644.006 to 644.141 or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections 644.006 to 644.141 or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered mail, return receipt requested. Any person against whom the [executive secretary] **director** issues an order may appeal the order to the commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the [executive secretary's] **director's** order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the [executive secretary] **director** is not appealed within the time [herein] provided **in this section**, the order becomes final and may be enforced as provided in section 644.076.

4. Permits [issued hereunder] may be terminated or modified if obtained in violation of sections 644.006 to 644.141 or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections 644.006 to 644.141, or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in this section.

5. When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in subsection 3, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.

644.061. 1. Unless prohibited by any federal water pollution control act, or if an application does not require a permit [under] **pursuant to** any federal water pollution control act, the commission may grant individual variances beyond the limitations prescribed in sections 644.006 to 644.141 whenever it is found, upon presentation of adequate proof, that compliance with any provisions of sections 644.006 to 644.141 or rule or regulation, standard, requirement, limitation, or order of the commission or [executive secretary] **director** adopted pursuant thereto will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case, without sufficient corresponding benefit or advantage to the people; but no variance shall be granted where the effect of a variance will permit the continuance of a condition which may unreasonably cause or contribute to adverse health effects upon humans or upon fish or other aquatic life or upon game or other wildlife, and any variance so granted shall not be so construed as to relieve the person who receives the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

2. In determining under what conditions and to what extent a variance may be granted, the commission shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

3. Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with sections 644.006 to 644.141 or any standard, rule or regulation promulgated [hereunder] **pursuant to sections 644.006 to 644.141**.

4. Any person seeking a variance shall file a petition for variance with the [executive secretary] **director**. There shall be a [twenty-five] **two hundred fifty** dollar filing fee payable to the state of Missouri with each [application before a variance is granted] **petition for variance**. The [executive secretary] **director** shall promptly investigate the application and make a recommendation to the commission within sixty days after the application is received as to

whether the variance should be granted or denied. The [executive secretary] **director** shall promptly notify the petitioner of his **or her** action and at the same time shall send notice to those persons registered with the [executive secretary] **director** pursuant to section 644.036 who reside in the county where the water contaminant or point source is located.

5. If the recommendation of the [executive secretary] **director** is to deny the variance, a hearing as provided in section 644.066 shall be held by the commission if requested by the petitioner within thirty days of the date of notice of the recommendation of the [executive secretary] **director**. If the recommendation of the [executive secretary] **director** is for the granting of the variance, the commission may grant the variance without a hearing, or, if not, shall set the matter for a hearing. If the commission grants the variance without a hearing the matter shall be passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the [executive secretary] **director**, except that upon petition, filed within thirty days from the date of notice, of any person aggrieved by the granting of the variance, a hearing shall be held and such petitioner shall become a party to the proceeding. In any hearing [under] **pursuant to** this section the burden of proof shall be on the person petitioning for a variance.

6. The commission may require the filing of a bond as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to insure compliance with the terms and conditions of the variance. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the variance are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

7. Upon failure to comply with the terms and conditions of any variance as specified by the commission, the variance may be revoked or modified or the bond may be revoked, or both, by the commission after a hearing held upon not less than thirty days' written notice. Notice shall be served upon all persons who will be subjected to greater restrictions if the variance is revoked or modified, or who have filed with the [executive secretary] **director** a written request for notification.

8. Any decision of the commission made pursuant to a hearing held [under] **pursuant to** this section is subject to judicial review as provided in section 644.071.

644.066. 1. At any public hearing all testimony taken before the commission shall be under oath and recorded stenographically. The transcript so recorded shall be made available to any member of the public or to the respondent or party to a hearing on a complaint, or any party to a hearing on a petition for variance, or appealing any order or determination of the [executive secretary] **director** upon payment of the usual charge therefor.

2. In any such hearing, any member of the commission or the hearing officer shall issue in the name of the commission notice of hearing and subpoenas. Subpoenas shall be issued and enforced as provided in section 536.077, RSMo. The rules of discovery that apply in any civil case apply to hearings held by the commission.

3. (1) All hearings to promulgate standards, rules, limitations, and regulations and to establish areas of the state shall be held before at least four members of the commission;

(2) All other hearings may be held before one commission member designated by the commission chairman or by a hearing officer who shall be a member of the Missouri bar and shall be appointed by the commission chairman. The hearing officer or commission member shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer or commission member shall make recommended findings of fact and may make recommended conclusions of law to the commission;

(3) All final orders or determinations or other final actions by the commission shall be approved in writing by at least four members of the commission. Any commission member approving in writing any final order or determination or other final action, who did not attend the hearing, shall do so only after reviewing all exhibits and reading the entire transcript.

644.071. 1. All final orders or determinations of the commission or the [executive secretary] **director** made pursuant

to the provisions of sections 644.006 to 644.141 are subject to judicial review pursuant to the provisions of chapter 536, RSMo. No judicial review shall be available, however, unless and until all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050, RSMo, concerning the validity of the commission's standards, rules and regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules, limitations, and regulations and may hear such additional evidence as it deems necessary.

644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or [its executive secretary] **the director** determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the [executive secretary] **director**, or any filing requirement [under] **pursuant to** sections 644.006 to 644.141 or any other provision which this state is required to enforce [under] **pursuant to** any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or [executive secretary] **director** may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty [under] **pursuant to** this section shall not be assessed for a violation where an administrative penalty was assessed [under] **pursuant to** section 644.079. The commission or the [executive secretary] **director** may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty [under] **pursuant to** this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department [under authority of] **pursuant to** this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained [under] **pursuant to** sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained [under] **pursuant to** sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth [under] **pursuant to** subsection 1 of this section shall, upon conviction, be punished by a fine of not less than twenty-five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision [hereunder] **of this section** by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

644.101. The state may provide assistance, as funds are available, pursuant to this chapter, to any county, municipality, public water district, public sewer district, or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended**, to assist them in the construction of public drinking water and water pollution control projects as authorized by the clean water commission. The state may provide assistance pursuant to this chapter, including but not limited to the purchase of water and/or wastewater revenue or general obligation bonds, bonds of any county, instrumentality of the state, state entity, municipality, public sewer district, public water district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the**

## **Clean Water Act, as amended.**

644.122. 1. There is hereby created in the state treasury for use of the department a fund to be known as "The Water and Wastewater Loan Fund". All moneys received by the department for activities authorized in subdivisions (1), (3), (4), (5), and (6) of subsection 2 of this section shall be deposited in the fund for the use of the commission. Moneys received for the drinking water state revolving fund shall be used for the purposes identified in the federal Safe Drinking Water Act as amended and shall be accounted for separately.

2. The commission is hereby authorized to expend or use moneys deposited in the water and wastewater loan fund, upon appropriation by the general assembly to the department, for one or more of the following purposes as the same relate to the construction of public drinking water and water pollution control projects as authorized by the commission pursuant to this chapter:

(1) To make loans to any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended;**

(2) For the costs of administering programs and projects financed, in part, by the water and wastewater loan fund;

(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds or notes issued by the state or any agency or instrumentality thereof;

(4) To buy or refinance the debt obligation of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system, or any combination of the same;

(5) To guarantee, or purchase insurance for, notes or obligations of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, where such action would improve credit market access or reduce interest rates;

(6) To provide loan guarantees for similar revolving funds established by any county, instrumentality of the state, municipality, public water district, public sewer district, or any combination of the same; and

(7) To earn interest on the water and wastewater loan fund accounts.

3. The unexpended balance in the water and wastewater loan fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

4. For purposes of this section, public drinking water and water pollution control projects shall include, but not be limited to, the planning, design, and construction of water or wastewater facilities, or both, and the planning, design, and construction of nonpoint source control facilities identified in a nonpoint source control plan prepared by the department of natural resources."; and

Further amend said title, enacting clause and intersectional references accordingly.

### **HOUSE AMENDMENT NO. 5**

Amend House Committee Substitute for Senate Bill No. 741, Page 9, Section 644.576, Line 5, by inserting after all of said line the following:

**"Section 1. 1. Any person who resides within the boundary of a public water supply district and who is unable to receive services from such district due to the district's failure to provide such services may elect to be removed from such district by sending a written and signed request for removal via certified mail to the district. The district shall, upon receipt of such request, remove such resident from the district. If the resident elects to**



be removed from the district, the resident shall compensate the district for any costs incurred by the district for such resident's removal from the district and for any attempts by the district to provide service to such resident prior to the certified date that the district received the request for removal.

2. This section shall only apply to persons living in, and water supply districts located in, any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand inhabitants."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 961**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 961**, as amended: Representatives Ransdall, Boucher, Ward, Ross and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1948**: Representatives Gratz, Ransdall, Koller, Marble and Hartzler 124.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1396** and has again taken up and passed **SCS** for **HB 1396**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1848** and has taken up and passed **CCS** for **SCS** for **HB 1848**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 961**, as amended: Senators Stoll, Maxwell, Jacob, Yeckel and Mueller.

HOUSE BILLS ON THIRD READING

Senator Jacob moved that **SCS** for **HB 1292**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HB 1292**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Schneider--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HS** for **HCS** for **HBs 1677, 1675** and **1676**, with **SCS**, entitled:

An Act to repeal sections 455.085, 455.220, 455.230 and 565.090, RSMo 1994, and sections 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof twenty-three new sections relating to domestic violence, with penalty provisions.

Was taken up by Senator Jacob.

**SCS** for **HS** for **HCS** for **HBs 1677, 1675** and **1676**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1677, 1675 and 1676

An Act to repeal sections 455.085, 455.220 and 455.230, RSMo 1994, and sections 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof eighteen new sections relating to domestic violence, with penalty provisions.

Was taken up.

Senator Jacob moved that **SCS** for **HS** for **HCS** for **HBs 1677, 1675** and **1676** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 5, Section 455.010, Line 27, by striking the words "pursuant to sections 454.1200 to 454.1209, RSMo".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 4, Section 375.1312, Line 52, by inserting after the word "affidavit" the following: "**for the insurer**"; and further amend said section, page 4, line 60, by inserting at the end of said line the following: "**An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 14, Section 491.073, Lines 1-4, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 4**:

## SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 2, Section 43.508, Line 34, by inserting after all of said line the following:

"210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

- (1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
- (2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;
- (3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

- (1) The St. Louis city child assessment center;
- (2) The St. Louis County child assessment center;
- (3) The Jackson County child assessment center;
- (4) The Buchanan County child assessment center;
- (5) The Greene County child assessment center;
- (6) The Boone County child assessment center;
- (7) The Joplin child assessment center; [and]

- (8) The St. Charles County child assessment center;
- (9) The Jefferson County child assessment center; and**
- (10) The Pettis County child assessment center.";** and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 17, Section 565.074, Line 25, by inserting after all of said line the following:

**"595.218. 1. Except as provided in subsection 2 of this section,** nothing in sections 595.200 to 595.215 shall be construed as creating a cause of action on behalf of any person against any public employee, public agency, the state or any agency responsible for the enforcement of rights and provisions of services set forth in sections 595.200 to 595.215.

**2. Upon motion by an aggrieved party, the court may assess a fine not to exceed five thousand dollars per incident against any public employee who flagrantly and knowingly fails to enforce the rights of a crime victim.**

**3. If the court determines that a motion filed pursuant to this section is frivolous and without merit, the court shall order the moving party to pay the respondent's attorney's fees and all court costs, and shall assess damages in favor of the respondent of twice any amount requested in the motion.";** and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Jacob raised the point of order that **SA 5** is out of order as the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 4, Section 375.1312, Line 62, by inserting after all of said line the following:

**"[451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.**

**2. Any purported marriage not between a man and a woman is invalid.**

**3. No recorder shall issue a marriage license, except to a man and a woman.]**

**451. 022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.**

**2. Any purported marriage not between a man and a woman is invalid.**

**3. No recorder shall issue a marriage license, except to a man and a woman.**

**4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted."; and**

Further amend said bill, Page 17, Section 565.074, Line 25, by inserting after all of said line the following:

"Section B. Section 451.022 of this act are hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 6** is out of order as the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kenney offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 12, Section 455.230, Line 24, by inserting after all of said line the following:

**"455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

**(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;**

**(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court; and**

**(3) Nine members of the general public, five of whom shall represent domestic violence providers and one of whom shall represent a state-wide coalition against domestic violence. All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.**

**3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.**

**4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and**

such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

455.305. 1. Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:

- (1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;
- (2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;
- (3) To provide treatment and counseling to victims of domestic violence; and
- (4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.

2. Funding for the pilot programs shall be subject to appropriation.

3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Schneider offered SA 8:

#### SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 2, Section 43.505, Lines 24-26, by striking all of said lines and inserting in lieu thereof the following:

"(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any

rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 6, Section 455.050, Line 9, by striking the word "or" as it appears the first time in the line and insert a comma "," after the word "leased" and insert the words "or occupied" after the word "rented"; and amend line 10, by striking the word "or" after the word "leased" and insert the words "or occupied" after the word "rented".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 14, Section 565.063, Lines 12-13, by deleting all the boldface language; and

Further amend said bill, page 16, section 565.072, line 3, by inserting after the word "member" the following: "**or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor**"; and

Further amend said bill, page 16, section 565.073, line 2, by inserting after the word "member" the following: "**or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor**"; and

Further amend said bill and page, section 565.074, line 2, by inserting after the word "member" the following: "**or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Jacob moved that **SCS** for **HS** for **HCS** for **HBs 1677, 1675 and 1676**, as amended, be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HS** for **HCS** for **HBs 1677, 1675 and 1676**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			

	Absent--Senators
Bentley	Scott--2
	Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Stoll, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 961**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 961

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for Senate Bill No. 961, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 961, as amended;
2. That the Senate recede from its position on Senate Bill No. 961;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Stephen Stoll  
/s/ Joe Maxwell  
/s/ Ken Jacob  
/s/ Walt Mueller  
/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Bill Ransdall  
/s/ Bill Boucher  
/s/ Dan Ward  
/s/ Jon Dolan  
/s/ C. Ross

Senator Stoll moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall



Wiggins

Yeckel--34

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Stoll, **CCS** for **HS** for **SB 961**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 961

An Act to repeal sections 8.012 and 173.239, RSMo Supp. 1999, relating to military affairs, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Sims--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Ehlmann	Schneider	Sims--3
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Absent with leave--Senators--None

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 881**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 881

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Bill No. 881 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 881;
2. That the Senate recede from its position on Senate Bill No. 881;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Harry Wiggins  
/s/ John E. Scott  
/s/ Harold Caskey  
/s/ Anita Yeckel  
/s/ Betty Sims

FOR THE HOUSE:

/s/ Thomas J. Hoppe  
/s/ Ron Auer  
/s/ May Scheve  
/s/ Jon Dolan  
/s/ John S. Griesheimer

Senator Wiggins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Kenney	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senator Johnson--1			
Absent--Senators			
Ehlmann	Jacob	Kinder	Staples
Westfall--5	Absent with leave--Senators--None		

On motion of Senator Wiggins, **CCS** for **HS** for **HCS** for **SB 881**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 881

An Act to repeal sections 92.418 and 238.060, RSMo 1994, and section 94.655, RSMo Supp. 1999, relating to transportation in cities, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Johnson--1

Absent--Senators

Ehlmann	Jacob	Staples--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 896**, as amended, and request the Senate grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1808**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1808**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HCS** for **SB 944**, as amended, and requests a further conference on **HCS** for **SB 944**, as amended.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

### **PRIVILEGED MOTIONS**

Senator Klarich moved that the Senate grant the House a conference on **HS** for **HCS** for **SB 896**, as amended, which motion prevailed.

Senator Caskey moved that the Senate grant further conference on **HCS** for **SB 944**, as amended, which motion prevailed.

### **CONFERENCE COMMITTEE REPORTS**

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1808**, as amended, submitted the following conference committee report:

#### **CONFERENCE COMMITTEE REPORT ON**

#### **SENATE SUBSTITUTE FOR**

#### **SENATE COMMITTEE SUBSTITUTE FOR**

#### **HOUSE BILL NO. 1808**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 1808 with Senate Amendment 1, Senate Amendment 2, Senate Substitute Amendment 1 for Senate Amendment 3, Senate Amendment 4, Senate Amendment 1 to Senate Amendment 5, Senate Amendment 5, as amended, Senate Amendment 7, Senate Amendment 8, Senate Amendment 10, Senate Amendment 12 and Senate Substitute Amendment 1 for Senate Committee Amendment 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1808, as amended;
2. That the House recede from its position on House Bill No. 1808;
3. That the attached Conference Committee Substitute be adopted.

#### **FOR THE SENATE:**

/s/ John E. Scott  
/s/ Jim Mathewson  
/s/ Ronnie DePasco  
/s/ David Klarich  
/s/ Peter Kinder

#### **FOR THE HOUSE:**

/s/ James O'Toole  
/s/ Richard Franklin  
/s/ Mary Hagan-Harrell  
/s/ T. Mark Elliott  
/s/ Bill Foster

Senator Scott moved that the above conference committee report be adopted.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SCS** for **HB 1808**, as amended, and request the House to grant the Senate a further conference thereon.

A quorum was established by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Jacob	Russell	Staples--4
Absent with leave--Senators--None			

At the request of Senator Singleton, his substitute motion was withdrawn.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SCS** for **HB 1808**, as amended, and request the House to grant further conference thereon and that the Senate conferees be bound to support **SA 5**, which motion failed.

On motion of Senator Scott, the Conference Committee Report on **SS** for **SCS** for **HB 1808**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Caskey	Kenney	Rohrbach	Singleton
Steelman--5			
Absent--Senators			
Clay	Jacob	Staples--3	
Absent with leave--Senators--None			

On motion of Senator Scott, **CCS** for **SS** for **SCS** for **HB 1808**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1808

An Act to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140, 104.345, 355.561 and 355.596, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 476.690 and 513.430, RSMo Supp. 1999, relating to certain pension benefits and compensation, and to enact in lieu thereof one hundred fifteen new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Carter	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Caskey	Rohrbach	Singleton	Steelman--4
	Absent--Senators		
Bentley	Clay	Jacob	Staples--4
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Rohrbach	Singleton	Steelman--3	
	Absent--Senators		
Clay	Jacob	Staples--3	
	Absent with leave--Senators--None		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed by reconsidered.

Senator DePasco moved that the motion lay on the table, which motion prevailed.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 896**, as amended: Senators Scott, Staples, Clay, Kenney and Klarich.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 944**, as amended: Senators Caskey, Maxwell, Howard, Bentley and Westfall.

## PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to concur in **HCS** for **SB 741**, as amended, and request the House recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Maxwell moved that the Senate refuse to concur in **HS** for **HCS** for **SB 858**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SB 577**, with **HCS**, as amended be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SB 577**, as amended entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 577

An Act to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546 and 260.569, RSMo 1994, and sections 260.475, 260.479 and 260.500, RSMo Supp. 1999, relating to hazardous waste, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Wiggins assumed the Chair.

Senator Maxwell moved that **HCS** for **SS** for **SCS** for **SB 577** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bentley	Ehlmann	Jacob	Johnson
Schneider	Scott	Staples--7	

Absent with leave--Senators--None

On motion of Senator Maxwell, **HCS** for **SS** for **SCS** for **SB 577**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Johnson	Schneider--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Carter, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1848**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1848

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1848, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1848;
2. That the House recede from its position on House Bill No. 1848;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Paula Carter	/s/ Joseph P. Treadway
/s/ Mary Groves Bland	/s/ James Foley
/s/ John E. Scott	/s/ Joan Barry
/s/ Betty Sims	/s/ Roy Holand



Senator Carter moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Rohrbach	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Maxwell	Quick	Russell	Schneider--4
	Absent with leave--Senators--None		

On motion of Senator Carter, **CCS** for **SCS** for **HB 1848**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1848

An Act to repeal sections 324.130 and 334.040, RSMo Supp. 1999, relating to licensing of health practitioners, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Mueller--1		
	Absent--Senator Schneider--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Carter, title to the bill was agreed to.

Senator Carter moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator House, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 813**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 813

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 813, with House Amendment Nos. 1, 3, 4, 5, 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 10 and House Amendment No. 10, as amended, House Amendment Nos. 11, 12 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 813, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 813;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 813 be adopted.

FOR THE SENATE:

/s/ Ted House  
/s/ William Clay  
/s/ Stephen Stoll  
/s/ Sarah Steelman  
/s/ David Klarich

FOR THE HOUSE:

/s/ Don Kissell  
/s/ Phillip Britt  
/s/ Steve McLuckie  
/s/ Jon Dolan  
/s/ Rex Barnett

Senator House moved that the above conference committee report be adopted.

Senator Flotron offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS** for **SS** for **SB 813**, as amended, and request the House to grant further conference thereon.

Senator Stoll assumed the Chair.

At the request of Senator Flotron, his substitute motion was withdrawn.

Senator House offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS** for **SS** for **SB 813**, as amended, and request the House to recede from its position on **HCS** for **SS** for **SB 813**, as amended, and take up and pass **SS** for **SB 813**.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS** for **SS** for **SB 813**, as amended, and request the House grant further conference.

Senator Mathewson raised the point of order that the substitute motion made by Senator Singleton is out of order as there is a substitute motion presently pending before the body.

The point of order was referred to the President Pro Tem.

At the request of Senator Mathewson, his point of order was withdrawn.

At the request of Senator Singleton, his substitute motion was withdrawn.

At the request of Senator House, his substitute motion was withdrawn.

Senator House offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS** for **SS** for **SB 813**, as amended, and request the House to grant further conference thereon, which motion prevailed

Senator Mathewson moved that the conference committee report on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, be taken up for adoption, which motion prevailed.

President Wilson assumed the Chair.

On motion of Senator Mathewson, the conference committee report on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Russell	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel--22		
	NAYS--Senators		
Bland	Carter	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Steelman--10		
	Absent--Senators		
Schneider	Singleton--2		
	Absent with leave--Senators--None		

On motion of Senator Mathewson, **CCS** for **SCS** for **HS** for **HCS** for **HB 1742**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1742

An Act to repeal sections 142.345, 226.133 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, relating to bonding for transportation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Flotron	Mueller	Rohrbach--3
	Absent--Senator Singleton--1	
	Absent with leave--Senators--None	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins--26		

NAYS--Senators

Graves	Kenney	Kinder	Klarich
Rohrbach	Steelman	Yeckel--7	
	Absent--Senator House--1		
	Absent with leave--Senators--None		

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 944**, as amended: Representatives Smith, Davis 122, Hollingsworth, McClelland and Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 896**, as amended:

Representatives May 108, Liese, Kreider, Luetkemeyer, Hartzler 123.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 858**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1292**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 542**, entitled:

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 542, Page 6, Section 473.742, Line 20 of said page, by inserting after all of said line the following:

**"5. Any public administrator in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo.";** and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 922**, entitled:

An Act to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.230, 87.237, 169.280, RSMo 1994, and sections 70.655, 70.675, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.090, 104.110, 104.371, 104.374, 160.420, 169.270, 169.291, 169.315, 169.324, 169.410, 476.690 and 513.430, RSMo Supp. 1999, relating to retirement benefits, and to enact in lieu thereof ninety new sections relating to the same subject.

With House Amendments Nos. 2, 3, 4, 5, 6, 7, 8, House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 8, House Amendments Nos. 10, 11, 12, 14, 15 and 16.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Lines 9 and 10, by deleting from said lines the following: "104.110, 104.371, 104.374,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "eighty-seven"; and

Further amend said bill, Page 1, Section A, Line 8, by deleting from said line the following: "104.110, 104.371, 104.374,"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and inserting in lieu thereof the word "eighty-seven"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting from said line the following: "104.110, 104.371, 104.374,"; and

Further amend said bill, Pages 62 through 66, Sections 104.110, 104.371 and 104.374, by deleting all of said sections; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 922, Page 2, Section 50.1175, Line 11, by adding after all of said line the following:

"67.210. Any political subdivision which provides or pays for health insurance benefits for its officers and employees may also provide or pay for all or part of such benefits, as may be determined by the governing body of the political subdivision, for the dependents of its officers and employees, and for retired employees **and their dependents and the dependents of deceased employees** of the political subdivision."; and

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 10, by inserting immediately after "160.420," the following: "169.070,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting immediately after "160.420," the following: "169.070,"; and

Further amend said bill, Page 2, Section A, Line 9, by striking the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 17, by inserting immediately after "160.420," the following: "169.070,"; and

Further amend said bill, Page 67, Section 160.420, Line 32, by inserting immediately after said line the following:

"169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of

the member's final average salary:

- (1) Two and five-tenths percent of the member's final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

- (3) Between July 1, 1998, and July 1, [2000] **2003**, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;
- (4) Between July 1, 1998, and July 1, [2000] **2003**, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;
- (5) Between July 1, 1998, and July 1, [2000] **2003**, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;
- (6) Between July 1, 1998, and July 1, [2000] **2003**, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;
- (7) Between July 1, 1998, and July 1, [2000] **2003**, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

- (1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;
- (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member,

the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a



payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the estate of the individual, if there be no beneficiary. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or to the estate of the member, if there be no beneficiary; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo 1969, shall be the sum of:

- (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;
- (2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;
- (3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section

as it appears in RSMo 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, **or in the case of any member retiring on or after July 1, 2000, and not for any member retiring before July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement.** Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed [seventy-five] **eighty** percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a

reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code **except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.**

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service, have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of

increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the person shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

**22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 12, by inserting after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 83, Section 513.430, Line 85, by inserting immediately after said line the following:

"Section B. Because immediate action is necessary to provide equitable treatment and timely application of certain pension benefits and compensation, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 2000, or upon its passage and approval, whichever later occurs."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 18, by deleting "and 513.430" and inserting in lieu thereof the following: ", 513.430 and 1"; and

Further amend said bill, Page 83, Section 513.430, Line 85, by inserting immediately after said line the following:

**"Section 1. Beginning in fiscal year 2002, no school district in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants offering more than one health care plan to any retiree eligible for Medicare shall enter into a contract for Medicare-coordinated**

**coverage if the out-of-pocket expense for prescription drugs exceeds one hundred ten percent of the out-of-pocket expense for prescription drugs under the district's nonMedicare plan for retirees. This section shall not apply to plans provided pursuant to chapter 103, RSMo.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 922, Page 66, Section 104.374, Line 19, by adding after all of said line the following:

"104.610. 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the transportation department employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefitted from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the transportation department employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

**9. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to Section 1 of this bill if such person were an active employee or beneficiary of an active employee, such person, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases pursuant to section 1 of this bill.";** and

Further amend said bill, Page 83, Section 513.430, Line 85, by adding after all of said line the following:

**"Section 1. In addition to the amount determined pursuant to subsection 1 of section 104.374, RSMo, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third of the benefit.";** and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 922, Page 80, Section 169.569, Line 22, by adding after all of said line the following:

**"69.596. 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers, but not retired administrators, from any Missouri public teacher retirement system to teach full time in a teaching assignment for up to two years without losing his or her retirement**

benefits provided said teacher had taught for at least thirty years prior to retirement. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district or five persons. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7. The provisions of this section shall not become effective until the affected retirement systems have completed actuarial studies assuring that the provisions are cost-neutral and the systems remain actuarially sound. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.

2. Any school district with a shortage of non-certified employees, as determined by the school district, may allow retired non-certificated employees, but not retired non-certificated administrators, from the Non-Teacher School Employee Retirement System to work full time in an non-certificated assignment for up to two years without losing his or her retirement benefits provided said employee had worked for a school district for at least thirty years prior to retirement. The total number of such retired non-certificated employees shall not exceed, at any one time, the greater of ten percent of the total non-certificated staff for that school district or five persons. The provisions of this section shall not become effective until the affected retirement system has completed actuarial studies assuring that the provisions are cost-neutral and the system remains actuarially sound. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations."; and

Further amend said bill, Page 83, Section 513.430, Line 85, by adding after all of said line the following:

"Section B. Section 169.596 shall terminate on June 30, 2003."; and

Further amend the title, Line 12, by adding after the word "subject" the following:

", with a termination date for a certain section"; and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT 1

#### TO HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 922, by adding the following new subsection 3 at the end of subsection 2:

**"3. Notwithstanding the provisions of subsections 1 and 2 of this section, any Missouri public school retirement system shall, upon notification from the school district, waive the hour limitation for employment of any certificated retiree serving as a substitute teacher in a school district that is experiencing a shortage of qualified substitute teachers; [retired certificated teachers hired as substitutes shall not exceed six weeks at any one assignment.]".**

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 6, by inserting immediately after "86.780," the following: "87.050,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting immediately after "86.780," the following: "87.050,"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 16, by inserting immediately after "86.780," the following: "87.050," and

Further amend said bill, Page 60, Section 86.780, Line 13, by inserting immediately after said line the following:

"87.050. 1. If any member shall be killed or die while in the performance of [this] **his or her** duty or as the result of any injury received in the line of duty, or of any disease contracted by reason of his **or her** occupation, or shall die from any cause whatever while a member of said fire department, or shall die while receiving a disability or service pension, and shall leave a [widow] **survivor** or child or children under the age of eighteen years surviving, said board of trustees shall order and direct the payment from the pension fund, monthly, to such [widow] **survivor**, a sum equal to not less than twenty percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member or seventy-five dollars, whichever is greater; and to or for the benefit of each child until it reaches the age of eighteen, a sum equal to not less than five percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member; and to or for each unmarried child, regardless of age, who is totally and permanently mentally or physically incapacitated from engaging in gainful employment sufficiently remunerative to support himself **or herself**, a sum equal to five percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member; provided that no benefits shall be paid to or for any child over eighteen years of age who is totally and permanently mentally or physically disabled or incapacitated if such child is a patient or ward in a publicly supported institution. [In the case of widows, payments shall be made only to those widows whose marriage to the member occurred prior to his retirement on disability or service pension, and shall be made only while said widow is unmarried and are to cease forever immediately upon remarriage.] In the case of children no payments shall be made to or for any child born or adopted after the effective date of the member's retirement on disability or service pension, or the date of his **or her** death, and payments shall not be made for more than three eligible children and, if there are more than three eligible children, payments shall be made for the three youngest eligible children. If the member who dies is a member of a volunteer department, the amount to be paid monthly to [his widow] **the survivor** and children aforesaid shall be fixed by the board of trustees.

2. Any [widow] **survivor** who is receiving survivors' pension benefits under the provisions of this section as it existed at any time prior to August 13, 1982, upon application to the board of trustees, shall be employed by the board as a special consultant on the problems of retirement, aging, and other pension system matters for the remainder of her life and upon request of the board shall give opinions in writing or orally, as may be requested, and for such services shall be compensated monthly in an amount equal to the difference between the amount of the monthly pension benefit the [widow] **survivor** is receiving for **himself or herself** and seventy-five dollars. This compensation shall be consolidated with the pension benefits the [widow] **survivor** is receiving and shall be paid out of the same fund as are such benefits. Employment as a special consultant shall in no way affect any [widow's] **survivor's** eligibility for survivors' pension benefits or in any way have the effect of reducing such benefits, other provisions of law to the contrary notwithstanding."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 2, by inserting immediately after "70.605," the following: "70.610,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after "70.605," the following: "70.610,"; and



Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting immediately after "70.605," the following: "70.610,"; and

Further amend said bill, Page 2, Section 70.605, Line 11, by placing opening and closing brackets, "[" and "]", around the word "seven" on said line and inserting after the closing bracket the following: "**nine**"; and

Further amend said bill, Page 2, Section 70.605, Line 13, by placing opening and closing brackets, "[" and "]", around the word "and" on said line; and

Further amend said bill, Page 2, Section 70.605, Line 15, by inserting after the word "subdivision" the following: "; **one member of the house of representatives, appointed by the speaker of the house of representatives; and one member of the senate, appointed by the president pro tempore of the senate**"; and

Further amend said bill, Page 3, Section 70.605, Line 24, by deleting all of said line and inserting in lieu thereof the following: "(3) [That person] **Those persons** appointed by the governor, **the speaker of the house of representatives and the president pro tempore of the senate** under the provisions of subsection 2 of this"; and

Further amend said bill, Page 4, Section 70.605, Lines 66 and 67, by placing opening and closing brackets, "[" and "]", around the word "Four" as such word appears on each line, and by inserting after each closing bracket the following: "**Five**"; and

Further amend said bill, Page 4, Section 70.605, Lines 72, 76 and 80, by placing opening and closing brackets, "[" and "]", around the word "four" as such word appears on each line, and by inserting after each closing bracket the following: "**five**"; and

Further amend said bill, Page 6, Section 70.605, Line 135, by inserting immediately after said line the following:

"70.610. **1.** Each political subdivision, by a majority vote of its governing body, may elect to become an employer and cover its employees under the system, as follows:

(1) The clerk or secretary of the political subdivision shall certify the election to be an employer to the board within ten days after the vote of the governing body. The effective date of the political subdivision's coverage is the first day of the calendar month next following receipt by the board of the election to be an employer, or the operative date of the system, whichever is the later.

(2) An employer must cover all its employees who are neither policemen nor firemen and may cover its policemen or firemen or both.

**2. Any home rule city with a population over seventy thousand, located in a county of the first classification without a charter form of government, may permit, during the period beginning on January 1, 2001, and ending on January 1, 2002, any of its employees who are firemen to participate in the local government employees' retirement system pursuant to sections 87.005 and 87.105, RSMo. Any written election by an employee opting to participate in the local government employees' retirement system shall be irrevocable, and shall entitle such employee to become a member of such system and be entitled to the system's benefit program, as determined by the board of trustees."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 922, Page 83, Section 513.430, Line 85, by inserting immediately after all of said line the following:

**"Section 1. 1. It is the public policy of this state in respect to public employee retirement system plans, as "plan" is defined in section 105.660, RSMo., to recognize marriage only between a man and a woman in defining "marriage" and "spouse" for benefit purposes.**

**2. Any purported marriage not between a man and a woman is invalid.**

**3. A marriage or any other union between persons of the same sex will not be recognized for the purposes of this section in this state even when valid where contracted."; and**

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 922, Page 69, Section 169.270, Lines 50-53, by deleting from said lines the following:

**"In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment."**

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 922, Pages 11 and 12, Section 70.661, Lines 17 to 33, by deleting said lines and inserting in lieu thereof the following:

**"(2) If the board finds that the member's death was the result of an accident that did not arise out of and in the course of his or her actual performance of duty as an employee, or that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, the requirement that the surviving spouse must have been married to the member for not less than two years immediately preceding the time of the member's death shall not apply.**

**3. If the board finds that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, then, other provisions of law to the contrary notwithstanding, for the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility under subsection 1 of this section, credited service shall include the period from the date of the member's death to the date he or she would have attained age sixty, or the date he or she would have acquired five years of credited service, if later."**

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 10, by inserting immediately after "160.420," the following: "169.075,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting immediately after "160.420," the following: "169.075,"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and by inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 17, by inserting immediately after "160.420," the following: "169.075,"; and

Further amend said bill, Page 67, Section 160.420, Line 32, by inserting immediately after said line the following:

"169.075. 1. Certain survivors specified in this section and meeting the requirements of this section may elect to forfeit any payments payable pursuant to subsection 3 or 5 of section 169.070 and to receive certain other benefits described in this section upon the death of a member prior to retirement, except retirement with disability benefits, whose period of creditable service in districts included in the retirement system is two years or more and who dies (a) while teaching in a district included in the retirement system, or (b) as a result of an injury or sickness incurred while teaching in such a district and within one year of the commencement of such injury or sickness, or (c) while eligible for a disability retirement allowance hereunder.

2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and permanently disabled for not less than five years immediately preceding the death of a member if designated as the sole beneficiary, and if married to the member at least three years, and if living with such member at the time of the member's death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death or recovery prior to age sixty from the disability which qualified the spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. A surviving spouse, who is eligible for benefits pursuant to this subsection and also pursuant to subsection 3 of this section may receive benefits only pursuant to subsection 3 of this section as long as the surviving spouse remains eligible pursuant to both subsections, but shall not be disqualified for the benefit provided in this subsection because the surviving spouse may have received payments pursuant to subsection 3 of this section.

**Beginning August 28, 2000, a surviving spouse who otherwise meets the requirements of this subsection but who remarried prior to August 28, 1995, shall be entitled, upon an election pursuant to subsection 1 of this section, to any remaining benefits that would otherwise have been received had the surviving spouse not remarried before the change in law permitting remarried surviving spouses to continue receiving benefits. Such surviving spouses may, upon application, become special consultants whose benefit will be to receive the remaining benefits described above. In no event shall any retroactive benefits be paid.**

3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until the surviving spouse's death, or the first date when no such dependent unmarried child under age eighteen, or age twenty-four if the child is enrolled in school on a full-time basis, remains in the surviving spouse's care, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly payment shall not be less than three hundred dollars, for each such dependent unmarried child under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment to the surviving spouse as provided for in this subsection, each dependent unmarried child under the age of eighteen years of the deceased member not in the care of such surviving spouse shall be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment which shall be paid to the child's primary custodial parent or legal guardian; provided that the payment because of an unmarried dependent child shall be made until the child attains age twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the total of all monthly payments to the surviving spouse, primary custodial parent or legal guardian, including payments for such dependent unmarried children, shall in no event exceed two thousand one hundred sixty dollars, the amount of the children's share to be allocated equally as to each dependent unmarried child eligible to receive payments pursuant to this subsection.

4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary is a dependent unmarried child as defined in this section or automatically upon the death of a surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, or such a child under age twenty-four if the child is enrolled in school

on a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death, marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars, and provided further that any child of the deceased member who is disabled before attainment of age eighteen because of a physical or mental impairment which renders the child unable to engage in any substantial gainful activity and which disability continues after the child has attained age eighteen shall be entitled to a like monthly payment, until death, marriage, adoption, or recovery from the disability, whichever first occurs; provided, however, that the total of all monthly payments to the surviving dependent unmarried children shall in no event exceed two thousand one hundred sixty dollars.

5. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if designated as the sole beneficiary, provided such dependent parent was receiving at least one-half of the parent's support from such member at the time of the member's death and provided the parent files proof of such support within two years of such death, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year as a teacher in a district included in the retirement system until death; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars. If the other parent also is a dependent, as defined in this section, the same amount shall be paid to each until death.

6. All else in this section to the contrary notwithstanding, a survivor may not be eligible to benefit pursuant to this section because of more than one terminated membership, and be it further provided that the board of trustees shall determine and decide all questions of doubt as to what constitutes dependency within the meaning of this section.

7. The provisions added to subsection 3 of this section in 1991[, other than the provisions increasing dollar limitations,] are intended to clarify the scope and meaning of this section as originally enacted and shall be applied in all cases in which such an election has occurred or will occur.

**8. After July 1, 2000, all benefits payable pursuant to subsections 1 to 7 of this section shall be payable to eligible current and future survivor beneficiaries in accordance with this section.**

**9. The system shall pay a monthly retirement allowance for the month in which a retired member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies." and**

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 881**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 881**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 741**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SB 741**, as amended: Representatives Backer, Wiggins, Relford, Legan and Long.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SB 724**, entitled:

An Act to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS for SB 741**, as amended: Senators Maxwell, Quick, Goode, Flotron and Yeckel.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS for HCS for SB 858**, as amended: Senators Maxwell, Quick, Clay, Rohrbach and Ehlmann.

### **HOUSE BILLS ON THIRD READING**

**HS for HCS for HB 1076**, with **SCS**, entitled:

An Act to repeal section 167.645, RSMo Supp. 1999, relating to promotion of students, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Stoll.

**SCS for HS for HCS for HB 1076**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR**

**HOUSE SUBSTITUTE FOR**

**HOUSE COMMITTEE SUBSTITUTE FOR**

**HOUSE BILL NO. 1076**

An Act to repeal sections 163.036, 163.172 and 167.645, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Stoll moved that **SCS for HS for HCS for HB 1076** be adopted.

Senator Caskey offered **SA 1**:

### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076,

Page 1, In the Title, Line 4, by inserting after "**sections**" the following ", and with a termination date for a certain section"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"105.269. 1. Any [metropolitan] school district [who has individuals who work in said district which are employed by the state of Missouri who participate in the volunteer tutoring program as provided in said section and] which has [at least] a [five percent] shortage of certified teachers may [apply to the department of elementary and secondary education for waivers to] allow retired teachers to teach [in said metropolitan school district] for up to two years without losing his or her retirement benefits. [Said retired teacher need not be in the teacher's salary scale. Said metropolitan] School [district] **districts** shall place an emphasis on hiring retired teachers to teach in areas that include but are not limited to, improving student reading, which may include elementary remedial reading and the "Read to be Ready Program" as established [under this act] **pursuant to sections 167.340 to 167.346, RSMo**, math, science, [and] special education, **or any other full-time teaching assignment, except that school district administrative assignments shall be excluded. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total certificated staff for that school district or five persons. Any retired certificated teacher hired pursuant to this section shall be included in the state directory of new hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7 and said teacher must have at least thirty years of combined service credit in Missouri public school retirement systems. No school district shall employ any person pursuant to this section until such time as the affected retirement system has completed an actuarial study assuring that implementation of the provisions of this section are cost-neutral and the system will remain actuarially sound and the system has provided written notice of such study to the district. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.**

2. [The department of elementary and secondary education shall adopt rules to implement the provisions of this section.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section and section 167.640, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and section 167.640, RSMo, and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.] **Retirees receiving a retirement allowance pursuant to section 169.600 to 169.715, RSMo, may be employed full-time in a non-administrative position in any school district for a period of up to two years without losing his or her benefits.**

**3. This section shall terminate on June 30, 2003."**; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Howard offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, In the Title, Lines 2-3, by striking "public schools" and inserting in lieu thereof the following: "education"; and

Further amend said bill, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

"178.870. Any tax imposed on property subject to the taxing power of the junior college district under article X, section 11(a) of the constitution without voter approval shall not exceed the annual rate of ten cents on the hundred dollars assessed valuation in districts having one billion dollars **five hundred million** or more assessed valuation; twenty cents on the hundred dollars assessed valuation in districts having [five] **seven** hundred **fifty** million dollars but less than one billion **five hundred million** dollars assessed valuation; thirty cents on the hundred dollars assessed valuation in districts having [two] **five** hundred [fifty] million dollars but less than [five] **seven** hundred **fifty** million dollars assessed valuation; forty cents on the hundred dollars assessed valuation in districts having less than [two] **five** hundred [fifty] million dollars assessed valuation; except that, no public junior college district having an assessed valuation in excess of one hundred million and less than two hundred fifty million which is levying an operating levy of thirty cents per one hundred dollars assessed valuation on September 28, 1975, shall increase such levy above thirty cents per one hundred dollars assessed valuation without voter approval. Tax rates specified in this section that were in effect in 1984 shall not be lowered due to an increase in assessed valuation created by general reassessment; however, the provisions of section 137.073, RSMo, or section 22(a) of article X of the Missouri Constitution are applicable. Districts which operate institutions awarding degrees above the associate degree shall not be affected by the changes provided in this section. Increases of the rate with voter approval shall be made in the manner provided in chapter 164, RSMo, for school districts."; and

Further amend said bill, Page 10, Section B, Line 2, by striking "and 167.645" and inserting in lieu thereof the following: ", 167.645 and 178.870"; and

Further amend said bill and section, page 11, Line 5, by striking "and 167.645" and inserting in lieu thereof the following: ", 167.645 and 178.870"; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Singleton offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Pages 4-8, Section 163.172, Lines 1-153, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Wiggins assumed the Chair.

Senator Singleton offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 8, Section 163.172, Line 153, by adding the following:

"14. The provisions of section 165.011 RSMo, to the contrary notwithstanding, any district which is covered in this section and fully in compliance with all requirements of teacher salary mandates in the current year may transfer funds in the current year between teacher's, incidental and capital projects funds without limitations."

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 5**:

## SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 94, by inserting after all of said line the following:

"168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section;

**(3) By the state board, pursuant to rules promulgated by the board, to any individual who presents to the state board a valid baccalaureate degree or master's degree in chemistry, biology, physics, mathematics, computer science or medicine from an accredited institution of higher education accredited by a national or regional accrediting association and documentation of at least five years of work experience. Such certificate shall be for 5 years and be limited to subject areas which include the applicant's major and other significant areas of undergraduate or graduate study and work experience, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or**

~~[(3)]~~ (4) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee, shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of



education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Carter offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, Section A, Line 3, by inserting after all of said line the following:

"160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge,

skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

**5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.";** and

Further amend the title and enacting clause accordingly.

Senator Carter moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 7**, which was read:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**"Section 1. There shall be a faculty representative to the board of curators or the board of regents in each of the educational campus referred to in section 172.010, RSMo, section 174.020, RSMo, section 174.601, RSMo and section 175.010, RSMo, to be appointed and serve in the same manner as provided in sections 172.035 and 172.037, RSMo, except that the provisions of subsections 2, 5, 7 and 8 of section 172.035, RSMo, shall not apply to faculty representatives.";** and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Johnson raised the point of order that **SA 7** is out of order as it goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 8, Section 163.172, Line 153, by inserting after all of said line the following:

"167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven [and sixteen] years **and the compulsory attendance age for the district** is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven [and sixteen] years of age **and the compulsory attendance age for the district** shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen [and sixteen] years of age **and the compulsory attendance age for the district** may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and seven years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils between the ages of seven [and sixteen] years **and the compulsory attendance age for the district**, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction;

(2) As evidence that a child is receiving regular instruction, the parent shall:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas

and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.
4. A school year begins on the first day of July and ends on the thirtieth day of June following.
5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

**6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the district" shall mean seventeen years of age for any unaccredited school district and any school district in which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, and sixteen years of age for all other districts.**

- 167.051. 1. If a school board establishes part-time schools or classes for children under [sixteen years of age] **the compulsory attendance age for the district**, lawfully engaged in any regular employment, every parent, guardian or other person having charge, control or custody of such a child shall cause the child to attend the school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of the part-time classes.
2. All children who are under eighteen years of age, who have not completed the elementary school course in the public schools of Missouri, or its equivalent, and who are not attending regularly any day school shall be required to attend regularly the part-time classes not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the afternoon during the entire year of the part-time classes."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graves, Jacob, Kenney and Kinder.

**SA 8** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Carter	Clay	DePasco
Goode	Maxwell	Quick	Scott
Sims	Westfall	Wiggins	Yeckel-- 12
NAYS--Senators			
Bland	Caskey	Childers	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Singleton	Staples	Steelman
Stoll--21			
Absent--Senator Schneider-- 1			
Absent with leave--Senators--None			

Senator Kenney offered **SA 9**:

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**"Section 1. The department of elementary and secondary education shall furnish sufficient copies of all assessments to each school district without charge, using funds appropriated for that purpose.";** and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Graves offered **SA 10:**

#### SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**"Section 1. The provisions of section 165.011 to the contrary notwithstanding, money received from the county school fund from penalties paid by a concentrated animal feeding operation as defined by the department of natural resources shall be placed to the credit of the fund or funds designated by the board.";** and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 11:**

#### SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**"170.013. 1. In addition to the provisions of section 170.012, it is the intent of the general assembly that all professors or instructors now employed or being considered for employment at the University of Missouri, any state university, any state college or any community college shall be proficient in speaking the English language so that they may adequately instruct students.**

**2. By the first day of January of each year, the University of Missouri, all state universities, all state colleges and all community colleges shall file with the coordinating board for higher education a certification stating that the instructional faculty members, whose native language is other than English, employed either on August 28, 2000, or hired subsequent to the last annual certification, are proficient in the English language. Each institution listed in this subsection may evaluate its instructional faculty for oral, aural and written fluency in the English language in the classroom in order to make the certification required pursuant to this subsection.**

**3. The University of Missouri, all state universities, all state colleges and all community colleges shall provide an annual report to the president pro tempore of the senate and the speaker of the house of representatives by the first Wednesday after the first Monday in January of each year setting forth the following information:**

**(1) Procedures established to guarantee faculty members have proficiency in both written and spoken English; and**

**(2) Procedures established to inform students of grievance procedures regarding instructors who are not able to speak the English language.**

**4. Any student may file a complaint of violation of this section with the office of president of the appropriate**

college, community college or university. It shall be the duty of that president to inquire after such complaint and report such complaints, and any action taken pursuant to such complaints, to the coordinating board of higher education on an annual basis.

**5. This section shall not apply to include the instruction of courses that are:**

- (1) Designed to be taught predominantly in a foreign language; or**
- (2) Elective, special arrangement courses, such as individualized instruction and independent study courses.";**  
and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 11** is out of order as it goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Stoll offered **SA 12**:

#### SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**"167.685. 1. Any school district in this state may develop a "Teacher Cadet Program", pursuant to this section, which shall consist of both a course offered as a full, daily class period, or the district equivalent thereof, and any other activities as the district or the department of elementary and secondary education may provide. The course may be offered at all, or any one of, the secondary schools in any such district. The course shall provide introductory instruction in the field of elementary and secondary school classroom teaching, with emphasis on instruction in mathematics and reading, and shall provide interested students with an insight into the nature and challenges of the teaching profession.**

**2. In order to become eligible for any teacher cadet program, a student shall:**

- (1) Have a cumulative secondary school grade point average of 3.0 or higher;**
- (2) Submit an essay to the district, in the manner that the district may provide, detailing the reasons why he or she wants to become a member of the program; and**
- (3) Participate in an entrance interview, in the manner that the district or the department of elementary and secondary education may provide.**

**3. Any student successfully completing such program shall be:**

- (1) Eligible for college credit at the University of Missouri or at any state college or university, in an amount to be determined by the coordinating board for higher education;**
- (2) Given preference in approval for any teaching scholarship offered pursuant to sections 160.276 to 160.283, RSMo, and for any other scholarships designed by this state to encourage the development of elementary and secondary school educators.**

**4. The department of elementary and secondary education shall develop minimum criteria for the program described in subsection 1 of this section, and any school district adopting the program shall, in addition to such other elements of any such program that the school district may provide, incorporate such criteria into such**

**district's program.**

**5. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and**

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 13:**

#### SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 2, Section 160.560, Line 40, by inserting after all of said line the following:

"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical

add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes **provided that an increase in the payment amount of line 14(a) shall be made by the department of elementary and secondary education, if needed, to ensure that a district receives no less total revenue from lines 14(a) and 14(b) than the district would receive if it levied an operating levy no greater than two dollars and seventy-five cents per one hundred dollars assessed valuation**; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **Beginning with the 2000-2001 school year, the eligible pupil number used in these calculations shall exclude voluntary transfer students, and the 1997-1998 line 14 total amount and amount per pupil will be recalculated to exclude the voluntary transfer students originally in the calculation. Beginning with the 2000-2001 school year, for any district with voluntary transfer students in 1997-1998, the current year per eligible pupil payment amount shall not be less than the previous year per eligible pupil payment amount.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional



services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

- 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP).....\$.....
- 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP).....\$.....

Deductions

- 2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year.....\$.....
- 3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the

- previous year for school purposes).....\$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes) \$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%.....\$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087 \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo..... \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo .....\$.....
10. Total deductions (sum of lines 2-9) ....\$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration..... \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration ...\$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration.....\$.....
- 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration .....\$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes.....\$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration.....\$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration.....\$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration.....\$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17).....\$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate

in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid."; and

Further amend said bill, page 10, Section 167.645, line 99, by inserting immediately after said line the following:

**"Section 1. Notwithstanding the provisions of chapter 163, RSMo, to the contrary, for the purposes of determining state aid, a nonresident student enrolled pursuant to a contract authorized pursuant to subsection 2 of section 167.164, RSMo, to provide alternative education may be counted, at the election of the serving school district, as a resident pupil.";** and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 14**, which was read:

#### SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by adding the following:

"Section 1. Whenever the Department of Elementary and Secondary Education releases ACT scores for the State of Missouri they shall report composite scores for public and non-public schools separately."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SCS for HS for HCS for HB 1076**, as amended, be adopted, which motion prevailed.

Senator Stoll was recognized to close on the passage of the bill.

President Pro Tem Quick referred **SCS for HS for HCS for HB 1076**, as amended, to the Committee on State Budget Control.

#### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SAs 1, 2, 3, 4, 7, 8, 9, 10** to **SCS for HS for HCS for HBs 1677, 1675 and 1676** and has again taken up and passed **SCS for HS for HCS for HBs 1677, 1675 and 1676**, as amended.

#### PRIVILEGED MOTIONS

Senator Jacob moved that the Senate refuse to recede from its position on **SCS** for **HB 1292**, as amended, and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1292**, as amended: Senators Jacob, Clay, Carter, Mueller and Sims.

### **RESOLUTIONS**

Senator Graves offered Senate Resolution No. 1764, regarding Kara Riley, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1765, regarding the One Hundredth Birthday of Frances Wood, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1766, regarding the One Hundredth Birthday of Anna (Markt) Shotwell, Pomona, California, which was adopted.

Senator DePasco offered Senate Resolution No. 1767, regarding Marjorie Larson, Lee's Summit, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1768, regarding Dr. Ronald M. Berrey, Wentzville, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1769, regarding Ruth Elizabeth Pair, Ph.D., O'Fallon, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1770, regarding Tony Raymon, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1771, regarding Roy Kohrs, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1772, regarding Dr. Terry L. Holder, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1773, regarding Joe Helmsing, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 1774, regarding Brandon Heck, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1775, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Doss, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1776, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Larry Fox, Cainsville, which was adopted.

Senator Graves offered Senate Resolution No. 1777, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert Null, Pickering, which was adopted.

Senator Graves offered Senate Resolution No. 1778, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James R. Schoonover, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1779, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Garland Bestgen, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1780, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Crow, Trenton, which was adopted.

Senator Carter offered Senate Resolution No. 1781, regarding Reyna Spencer, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1782, regarding Reverend John A. Stormer, Florissant, which was adopted.

Senator Graves offered Senate Resolution No. 1783, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth D. Davis, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1784, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Brundage, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 1785, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Rogers Tadlock, Guilford, which was adopted.

Senator Graves offered Senate Resolution No. 1786, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Reynolds, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 1787, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William D. Bailey, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 1788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Davenport, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1789, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Dean Howard, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1790, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leman Courtney, Galt, which was adopted.

Senator Graves offered Senate Resolution No. 1791, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James R. Merrigan, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Lynch, Great Bend, Kansas, which was adopted.

Senator Graves offered Senate Resolution No. 1793, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jesse Reeves, Tarkio, which was adopted.

Senator Stoll offered Senate Resolution No. 1794, regarding Adam Wayne Nausley, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1795, regarding Adam Gregory Ferguson, Festus, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Robert Jackson, D.O., Kirksville.

Senator Howard introduced to the Senate, Carol Gross, Jeff Ross, Danny Rowland, Nondis Jordan, eighth grade students from Twin Rivers R-10 Middle School and eighth grade students from Qulin Middle School.

Senator Childers introduced to the Senate, Steve Long and fifteen juniors from Chadwick R-1 School, Chadwick.

Senator Childers introduced to the Senate, David R. Kirk, Shirley Holstine, Kelda Jones, Mary Evans and twenty-one seventh grade students from Bakersfield R-IV School, Bakersfield.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 10, 2000.

## SENATE CALENDAR

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SEVENTY-FIRST DAY-WEDNESDAY, MAY 10, 2000

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## FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &

671-Mathewson, with SCS

### HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs

1652 & 1433-Hoppe,

with SCAs 1, 2, 3,

4, 5 & 6 (Caskey)

(In Budget Control)

2. HS for HB 1238-Hoppe,

with SCS (Mathewson)

3. HS for HCS for

HB 1797-Gratz,  
with SCA 1 (Goode)

4. HS for HCS for HBs 1172,  
1501, 1633, 1440, 1634,  
1177 & 1430-Davis (122nd),  
with SCS (Howard)

5. HS for HCS for  
HB 1762-Williams  
(159th), with SCS  
(Caskey)

6. HCS for HB 1144, with  
SCS (Johnson)

7. HJR 43-Barry, et al  
(House)

8. HS for HCS for HB  
1481-Smith (Maxwell)

9. HCS for HB 1644, with  
SCS (Scott)

10. HS for HCS for HBs  
1215 & 1240-Smith,  
with SCS (Caskey)

11. HB 1768-Ward, with  
SCS (Staples)

12. HB 1326-Mays (50th),  
with SCAs 1 & 2  
(Goode)

13. HS for HB 1728-Backer,

with SCS (Flotron)

(In Budget Control)

14. HS for HCS for HBs

1489, 1488 & 1650-

Kennedy, with SCS

(Maxwell)

(In Budget Control)

15. HS for HCS for

HB 1305-Rizzo,

with SCS (DePasco)

(In Budget Control)

16. HS for HCS for

HB 1254-Kissell,

with SCS (Caskey)

17. HB 1499 & HB 1579-

Hoppe, with SCS

(Scott)

18. HB 1946-Dougherty

(Maxwell)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)



SBs 584, 539, 630, 777,  
796, 918 & 927-Bentley,  
with SCS & SS for SCS  
(pending)

SBs 599 & 531-Schneider,  
with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with  
SCS & SA 1 (pending)

SB 720-Caskey, with SS &  
SA 3 (pending)

SB 729-House, with SCS &  
SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with  
SCS

SBs 807, 553, 574, 614,  
747 & 860-Jacob, with  
SCS, SS for SCS & SA 2  
(pending)

SB 817-Stoll, with SCS

SBs 818 & 564-Maxwell and  
Kinder, with SCS

SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5  
(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,  
with SCS, SA 2, SSA 1  
for SA 2 & SA 3 to SSA  
1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,  
with SS, SA 2 & point  
of order (pending)

SB 1047-Rohrbach, with  
SCS (pending)

SB 1048-Mathewson, with  
SCS

SJR 45 & 41-House, with  
SCS (pending)

SJR 46-Goode, et al, with  
SCS (pending)

SJR 47-Quick, et al, with  
SCS, SS for SCS, SA 1,  
SSA 1 for SA 1 & point  
of order (pending)

HOUSE BILLS ON THIRD READING

SCS for HS for HCS for HB

1076-Relford (Stoll)

(In Budget Control)

HB 1082-Crump, with SCS &

SA 1 (pending) (Childers)

SCS for HCS for HBs 1386

& 1086 (Maxwell)

(In Budget Control)

HB 1443-Koller, with SCS

& SS for SCS (pending)

(Johnson)

HS for HCS for HBs 1566 &

1810-Bray, with SCS

(Scott)

HS for HB 1603-May

(108th), with SCS

(pending) (Jacob)

HS for HB 1615-Hosmer,

with SCS, SS for SCS,

SA 9 & SSA 1 for SA 9

(pending) (Caskey)

HB 1706-Gambaro, et al,

with SCS (Clay)

HS for HCS for HJR 61-Van

Zandt, with SCS, SA 1

& SA 7 to SA 1

(pending) (Quick) CONSENT CALENDAR

## Senate Bills

Reported 2/15

SB 740-Wiggins

## House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin (Wiggins)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 542-Mathewson,

with HS for HCS, as

amended

SB 724-Rohrbach, with HS for HCS

SB 922-Scott, with HCS,

as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,

et al, with HS for HCS,

as amended

SB 741-Maxwell, with HCS,

as amended

SB 788-Johnson, with HS

for HCS, as amended

SS for SB 813-House, with

HCS, as amended

(Senate requests House

grant further conference)

SB 856-Maxwell, with HS

for HCS, as amended

SB 858-Maxwell, with HS

for HCS, as amended

SB 896-Klarich, with HS

for HCS, as amended

SB 944-Caskey, with HCS,

as amended

(Further conference granted)

SB 961-Stoll and Maxwell,

with HS, as amended

(Senate adopted CCR

and passed CCS)

HB 1292-Auer, with SCS,

as amended (Jacob)

HB 1591-Backer, with SCS

(Howard)

HB 1948-Gratz, et al,

with SCS (Staples) RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

Reported from Committee

SCR 34-Bland, et al, with

point of order (pending)

SCR 40-House

# Journal of the Senate

## SECOND REGULAR SESSION

**SEVENTY-FIRST DAY--WEDNESDAY, MAY 10, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

There is a story of a young sculptor given a job that another artist could not finish. He followed the plans not knowing exactly what the craving was for. Shortly after completing the work he walked through a beautiful new building and there high on a pillar stood his work. Overcome with its beauty he took off his cap and lowered his head and said: "Thank God I did that job well."

Gracious God, in these last three days we are to finish the work others have brought to our attention. Help us to do our best for You have called us to this service and given us tasks to complete. May we after this session is through look over what we have done and say with the young man: "Thank God I did that job well." And we pray for Senator Mathewson that Your healing power flows through his body and he is quickly brought back to health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Mathewson--1

The Lieutenant Governor was present.

Senator Wiggins assumed the Chair.

## RESOLUTIONS

Senator Graves offered Senate Resolution No. 1796, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Jenson, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1797, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Crookshanks, Meadville, which was adopted.

Senator Graves offered Senate Resolution No. 1798, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Greg Chamberlain, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 1799, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Brown, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1800, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Rogers, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1801, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Garvin Williams, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1802, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Klinginsmith, Laredo, which was adopted.

Senator Graves offered Senate Resolution No. 1803, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jean Puffer, Mercer, which was adopted.

Senator Graves offered Senate Resolution No. 1804, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl V. Keune, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1805, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stanley Huston, Bolckow, which was adopted.

Senator Graves offered Senate Resolution No. 1806, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Max Rowlette, Maitland, which was adopted.

Senator Graves offered Senate Resolution No. 1807, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Pierce, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1808, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Beaird, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1809, regarding Rosanna McAdams, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1810, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Mike Clark, Utica, which was adopted.

Senator Graves offered Senate Resolution No. 1811, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Noel Tipton, which was adopted.

Senator Graves offered Senate Resolution No. 1812, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy E. Harper, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1813, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Louis DeRyke, which was adopted.

Senator Steelman offered Senate Resolution No. 1814, regarding Brad Bouse, Cuba, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:



Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1292**, as amended: Representatives Auer, Gunn, Liese, Surface and Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 1053**, entitled:

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

With House Amendment to House Substitute, House Amendment No. 1 to Part 2, House Amendment No. 2 to Part 2, House Amendment No. 1 to Part 3.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 1053, Page 2, Section 590.650, Line 16, by inserting after the word "citation" the words "and report".

#### HOUSE AMENDMENT NO. 1

##### TO PART II

Amend Part II of House Substitute for Senate Bill No. 1053, Page 4, Section 590.650, Line 17, by inserting after all of said line the following:

**"The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, non-combative methods of carrying out law enforcement duties in a racially and culturally diverse environment."**

#### HOUSE AMENDMENT NO. 2

##### TO PART II

Amend Part II of House Substitute for Senate Bill No. 1053, Page 4, Section 590.650, Line 5, by deleting the word "residing" and replacing in lieu thereof the word "traveling".

#### HOUSE AMENDMENT NO. 1

##### TO PART III

Amend Part III of House Substitute for Senate Bill No. 1053, Page 4, Section 590.650, Line 24 of said page, by inserting after all of said line the following:

**"590.653. 1. Each county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.**

**2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and**

**recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.";**  
and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### **HOUSE BILLS ON THIRD READING**

Senator Quick moved that **HS** for **HCS** for **HJR 61**, with **SCS**, **SA 1** and **SA 7** to **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 7** to **SA 1** was again taken up.

Senator Johnson assumed the Chair.

At the request of Senator Flotron, **SA 7** to **SA 1** was withdrawn.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Quick offered **SS** for **SCS** for **HS** for **HCS** for **HJR 61**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION NO. 61

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Senator Quick moved that **SS** for **SCS** for **HS** for **HCS** for **HJR 61** be adopted.

Senators Klarich and Flotron offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HJR 61**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION NO. 61

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Senator Klarich moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HJR 61** be adopted.

Senator Stoll assumed the Chair.

Senator Jacob offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 3, Section 18(f), Lines 3-21, by striking all of said lines; and

Further amend said resolution, pages 5-6, lines 16-25 on page 5 and lines 1-9 on page 6, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Flotron, Mueller and Rohrbach.

President Wilson assumed the Chair.

**SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Clay
Jacob	Johnson	Maxwell	Quick
Scott	Sims	Singleton	Staples--12
NAYS--Senators			
Caskey	Childers	DePasco	Ehlmann
Flotron	Graves	House	Howard
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Steelman
Stoll	Westfall	Wiggins	Yeckel--20
Absent--Senator Goode--1			
Absent with leave--Senator Mathewson--1			

Senator Jacob offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 1, In the Title, Line 4, by deleting the words "one new section" and inserting in lieu thereof "two new sections"; and

Further amend said resolution, page 3, section 18(f), lines 3-21, by striking all of said lines; and

Further amend said resolution, pages 5-6, lines 16-25 on page 5 and lines 1-9 on page 6, by striking all of said lines; and

Further amend said resolution, page 7, section D, line 2, by inserting after all of said line the following:

"Section E. Article I, Constitution of Missouri, is amended by adding thereto one new section, to be submitted to the voters as a separate question, to be known as section 25, to read as follows:

**"Section 33. Abortion shall be legal in this state, as consistent with federal law. The state may provide funds for family planning and related services.".**

Senator Jacob moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 2** is out of order as the amendment goes beyond the subject matter of the joint resolution.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Quick, **HS** for **HCS** for **HJR 61**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

### **CONFERENCE COMMITTEE REPORTS**

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 944**, as amended, submitted the following conference committee report no. 3:

#### **CONFERENCE COMMITTEE REPORT NO. 3 ON**

#### **HOUSE COMMITTEE SUBSTITUTE**

#### **FOR SENATE BILL NO. 944**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 944, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 11, 13, 14 and 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 944, as amended;
2. That the Senate recede from its position on Senate Bill No. 944;
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 944 be adopted, as amended by Conference Committee Amendment No. 1.

#### **FOR THE SENATE:**

/s/ Harold Caskey  
/s/ Joe Maxwell  
/s/ Jerry T. Howard  
/s/ Roseann Bentley  
/s/ Morris Westfall

#### **FOR THE HOUSE:**

/s/ Phil Smith  
/s/ D. J. Davis  
/s/ Kate Hollingsworth  
/s/ Emmy McClelland  
Jewell Patek

#### **CONFERENCE COMMITTEE AMENDMENT NO. 1**

Amend Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 944, Page 76, Section 571.030, Lines 21-22 of said page, by striking all of said lines and inserting in lieu thereof the following: **"school board."**; and

Further amend said bill, Page 78, Section 571.030, Line 14 of said page, by striking the period "." on said line and

inserting in lieu thereof the following: ", or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

4. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board."; and

Further amend said bill, Page 78, Section 571.030, Line 15 of said page, by striking the numeral "4." and inserting in lieu thereof the numeral "5."; and

Further amend said bill, Page 78, Section 571.030, Line 25 of said page, by striking the numeral "5." and inserting in lieu thereof the numeral "6."; and

Further amend said bill, Page 79, Section 571.030, Line 17 of said page, by striking the numeral "6." and inserting in lieu thereof the numeral "7".

Senator Caskey moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider	Singleton--3	
Absent with leave--Senator Mathewson--1			

On motion of Senator Caskey, **CCS No. 2** for **HCS** for **SB 944**, as amended by the conference committee amendment no. 1, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 944

An Act to repeal sections 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 161.650, 163.031, 165.011, 165.016, 167.020, 167.023, 167.115, 167.117, 167.171, 170.250, 210.865 and 571.030, RSMo Supp. 1999, relating to school safety, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Schneider	Singleton--3	
	Absent with leave--Senator Mathewson--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **SB 1053**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 10** and has again taken up and passed **HCR 10**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 50**.

With House Amendment No. 2.

### HOUSE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 50, Page 2, Section 39(a), Line 44, by adding one new subsection: "(9) any club in existence for more than two years shall have no membership requirement.".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SB 961**, as amended, and has taken up and passed **CCS** for **HS** for **SB 961**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SS** for **SB 813**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1948** and has taken up and passed **CCS** for **SCS** for **HB 1948**.

### **PRIVILEGED MOTIONS**

Senator Stoll moved that the Senate refuse to concur in **HA 2** to **SJR 50** and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Clay.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 763**, entitled:

An Act to repeal section 407.020, RSMo Supp. 1999, relating to telecommunications merchandising practices, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 2 and 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendment Nos. 8 and 9.

### **HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 7, Section 407.1079, Line 17, by inserting at the end of said line the following:

**"2. The seller and the telemarketer calling on behalf of the seller may, by written agreement, allocate responsibility between themselves for the record keeping required by this section. When a seller and telemarketer have entered into such an agreement, the terms of the agreement shall govern, and the seller or telemarketer, as the case may be, need not keep records that duplicate those of the other. If the agreement is unclear as to who must maintain any required record, or if no such agreement exists, the seller shall be responsible for complying with subdivisions (1), (2), (3) and (5) of subsection 1 of this section and the telemarketer shall be responsible for complying with subdivision (4) of subsection 1 of this section."**; and further amend said section by renumbering the remaining subsection accordingly

Further amend said bill, Section 407.1076, Page 6, Lines 51-53 of said page, by deleting all of said lines and insert in lieu thereof the following:

**"(10) Knowingly provide assistance or support to any telemarketer when that person knows or consciously avoids knowing that the telemarketer is engaged in any act in violation of section 407.1070 to 407.1085."**

### **HOUSE AMENDMENT NO. 3**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 4, Subsection 5, Lines 14-16, by striking the following:

**"and that if such consumer wishes to discontinue such call, such consumer should hang up immediately."**

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 24, by deleting the word: **"or"**; and

Further amend said bill, Page 10, Section 407.1095, Line 11, by inserting after the word "include" the following: **"such"**; and

Further amend said bill, Page 10, Section 407.1095, Line 24, by inserting after the word **"list"** the following: **"; or**

**(e) any natural person who makes less than one hundred of such communications per week to residential subscribers, this exception shall not apply to any natural person employed by an entity which has telemarketing as defined in section 407.1070 RSMo as it's principal business"; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1101, Line 1, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill, page and section, Line 3, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill, page and section, Line 5, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill, page and section, Line 8, by deleting the following: **"attorney general's"** and inserting in lieu thereof the following: **"secretary of state's"**; and

Further amend said bill, page and section, Line 12, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill, Page 11, Section 407.1101, Line 26, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill, page and section, Line 33, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill, page and section, Line 37, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and

Further amend said bill and page, section 407.1104, Line 1, by deleting the following: **"attorney general"** and inserting in lieu thereof the following: **"secretary of state"**; and



Further amend said bill, page and section, Line 2, by deleting the following: "**Attorney General's**" and inserting in lieu thereof the following: "**Secretary of State's**"; and

Further amend said bill, page and section, Line 4, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 12, section 407.1104, Line 13, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 17, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 20, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 21, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 13, Section 407.1104, Line 45, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 14, Section 407.1113, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 5, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 7, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 8, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 9, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 11, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 12, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**";.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 11, Section 407.1104, Line 1, by deleting all of such section.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 19, by inserting after the word "**established**" the following: "**, provided that a bona fide member of such exempt organization makes the voice communication**"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### **PRIVILEGED MOTIONS**

Senator Howard moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 763**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 813**, as amended: Senators House, Clay, Stoll, Steelman and Klarich.

### **HOUSE BILLS ON THIRD READING**

**HS** for **HCS** for **HBs 1566** and **1810**, with **SCS**, entitled:

An Act to repeal sections 135.408, 135.411 and 135.423, RSMo 1994, sections 135.400, 135.403, 135.530, 348.300, 348.302 and 620.1450, RSMo Supp. 1999, and both versions of section 135.535 as they appear in RSMo Supp. 1999, relating to tax relief in distressed communities, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Scott.

**SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1566 and 1810

An Act to repeal sections 135.355, 135.408, 135.411, 135.423, 135.429, 178.892, 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 620.470 and 620.474, RSMo 1994, sections 32.105, 32.110, 67.1401, 67.1411, 67.1421, 67.1431, 67.1441, 67.1461, 67.1471, 67.1491, 67.1521, 67.1531, 67.1551, 135.400, 135.403, 135.405, 135.430, 135.478, 135.484, 135.545, 135.766, 260.285, 348.300, 348.302, 447.708, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1560, RSMo Supp. 1999, sections 135.200 and 135.535, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, relating to tax relief in distressed communities, and to tax credit programs administered by the department of economic development, and to enact in lieu thereof forty-two new sections relating to the same subject, with an effective date and an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HBs 1566** and **1810** be adopted.

Senator Scott offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1566 and 1810**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1566 and 1810

An Act to repeal sections 71.794, 135.355, 135.408, 135.411, 135.423, 178.892, 620.017, 620.470 and 620.474, RSMo 1994, sections 32.105, 32.110, 67.1401, 67.1461, 135.400, 135.403, 135.430, 135.481, 135.484, 135.766, 260.285, 348.300, 348.302, 348.430, 348.432, 447.708, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1560, RSMo Supp. 1999, sections 135.200 and 135.535, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an effective date and an emergency clause for certain sections.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1566 and 1810** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 16, Section 67.1461, Line 18 of said page, by inserting after the word "county" the following: ", **to**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.766, Line 15, by inserting immediately after said line the following:

"149.071. **1.** Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimilies or other evidence of cigarette tax payment, shall be guilty of a

felony and, upon conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

**2. It shall be unlawful for any person:**

**(1) To sell or distribute in this state; to acquire, hold, own, possess or transport for sale or distribution in this state; or to import or cause to be imported into this state for sale or distribution in this state:**

**(a) Any cigarettes the package of which:**

**a. Bears any statement, label, stamp, sticker or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax-Exempt", "For Use Outside U.S." or similar wording; or**

**b. Does not comply with:**

**(i) All requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged or imported for sale, distribution or use in the United States, including but not limited to the precise warning labels specified in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333; and**

**(ii) All federal trademark and copyright laws;**

**(b) Any cigarettes imported into the United States in violation of 26 U.S.C. Section 5754, or any other federal law or implementing federal regulations;**

**(c) Any cigarettes that such person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed or used in the United States; or**

**(d) Any cigarettes for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of such cigarettes as required by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1335a;**

**(2) To alter the package of any cigarettes prior to sale or distribution to the ultimate consumer so as to remove, conceal or obscure:**

**(a) Any statement, label, stamp, sticker or notice described in subparagraph a. of paragraph (a) of subdivision (1) of this subsection;**

**(b) Any health warning that is not specified in or does not conform with the requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333; or**

**(3) To affix any tax stamp to the package of any cigarettes described in subsection 1 of this section or altered in violation of this subsection.**

**3. On the first business day of each month, each person licensed to affix the state tax stamp to cigarettes shall file with the department for all cigarettes imported into the United States to which such person has affixed the tax stamp in the preceding month:**

**(1) A copy of:**

**(a) The permit issued pursuant to the Internal Revenue Code, 26 U.S.C. Section 5713, to the person importing such cigarettes into the United States allowing such person to import such cigarettes; and**

**(b) The customs form containing, with respect to such cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco and Firearms;**

**(2) A statement signed by such person under penalty of perjury which shall be treated as confidential by the commissioner and exempt from disclosure pursuant to chapter 610, RSMo, identifying the brand and brand styles of all such cigarettes, the quantity of each brand style of such cigarettes, the supplier of such cigarettes and the person or persons, if any, to whom such cigarettes have been conveyed for resale, and a separate statement signed by such person under penalty of perjury, which shall not be treated as confidential or exempt from disclosure, separately identifying the brands and brand styles of such cigarettes;**

**(3) A statement signed by an officer of the manufacturer or importer under penalty of perjury certifying that the manufacturer or importer has complied with:**

**(a) The package health warning and ingredient reporting requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Sections 1333 and 1335a, with respect to such cigarettes; and**

**(b) Sections 196.1000 and 196.1003, RSMo, including a statement indicating whether the manufacturer is or is not a participating tobacco manufacturer within the meaning of sections 196.1000 and 196.1003, RSMo.**

**4. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section is guilty of a class D felony.**

**5. The department of revenue may suspend or revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section and impose a civil penalty in an amount not to exceed the greater of five hundred percent of the retail value of the cigarettes involved or five thousand dollars.**

**6. Cigarettes that are acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this state in violation of this section shall be subject to seizure and forfeiture, with all such cigarettes so seized and forfeited destroyed. Such cigarettes shall be deemed contraband whether the violation of this section is knowing or otherwise.**

**7. A violation of this section is a deceptive act or practice pursuant to this section. In addition to any other remedy provided by this section or other law, any person may bring an action for:**

**(1) Appropriate injunctive or other equitable relief;**

**(2) Actual damages, if any, sustained by reason of a violation of this section; and**

**(3) As determined by the court, interest on such damages from the date of the complaint, taxable costs and reasonable attorney's fees.**

**If the trier of fact finds that the violation is egregious, the judgment may be increased to an amount not in excess of three times the actual damages sustained by reason of such violation.**

**8. The provisions of this section shall not apply to:**

**(1) Cigarettes allowed to be imported or brought into the United States for personal use; and**

**(2) Cigarettes sold or intended to be sold as duty-free merchandise by a duty-free sales enterprise in accordance with 19 U.S.C. Section 1555(b) and any implementing regulations; provided, however, that this section shall apply to any such cigarettes that are brought back into the customs territory for resale within the customs territory.**

**9. For the purposes of this section, the term "importer" means importer as such term is defined in 26 U.S.C. Section 5702(1).**

**10. If any provision of this section or its application to any person or circumstance is held invalid, the**

**remainder of this section or the application of the provision to other persons or circumstances shall not be affected."**; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 2** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Goode offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5, by inserting immediately after said line the following:

**"67.478. Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the "Community Comeback Act".**

**67.481. As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:**

- (1) "Community comeback plan" and "plan", a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of measuring accomplishments, revised annually;**
- (2) "Community comeback trust program" or "program", projects and strategies to promote neighborhood reinvestment through out the county including the creation of a community comeback trust board and a community comeback trust fund;**
- (3) "Community comeback trust fund" and "trust fund", a fund held in the treasury of the county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;**
- (4) "Community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community program trust fund and community comeback trust program;**
- (5) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;**
- (6) "Eligible expenses", costs qualified for funding from the community comeback trust fund which are:**
  - (a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;**
  - (b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation,**

construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;

(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;

(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;

(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;

(f) Expenses related to facilitating transit-oriented developments, home improvement and home buyer loan programs; and

(g) Expenses eligible for funding through the select neighborhood action program;

(7) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;

(8) "Petition", a petitioner's request for funding made to the community comeback trust board;

(9) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board with at least two thirds of the members of such board appointed by the chief elected official of the county or by one or more organizations with governing boards which are appointed by such chief elected official;

(10) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(11) "Priority comeback project", a funding proposal submitted to a community comeback trust board by a petitioner whose area is substantially within a priority comeback community;

(12) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a community comeback trust board by a petitioner;

(13) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(14) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(15) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.

**67.484. 1.** A community comeback trust program may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such board pursuant to sections 67.478 to 67.493. The board may sue and be sued, issue general revenue bonds

and receive county use tax revenue pursuant to the limitations of this section. The board shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust program, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the board or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

(3) The seat of a board member shall be automatically vacated when the board member changes his or her residence so as to no longer conform to the terms of the requirements of the board member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any board member's term, any board member's need to vacate his or her seat or any vacancy on the board. A board member whose term has expired shall continue to serve until the successor is appointed and qualified.

(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust program, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.

(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty-five days of the passage of the ordinance establishing the program or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.

(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first of the



respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the board without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust fund, subject to annual appropriations by the governing body of the county. The county government shall provide the program staff. No more than five percent of the program's annual budget shall be used for the program's annual administrative expenses.

5. The board is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any power of eminent domain.

6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(2) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at rate or rates determined by the board, shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the board shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

(3) Such bonds may be payable to the bearer, may be registered or coupon bonds, and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing such bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the district as may be provided by the resolution authorizing the bonds. The board may provide for the replacement of any bond which has become mutilated, destroyed or lost.

(4) Bonds issued by the board shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets managed by the board to the credit of the trust fund. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the board shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the board or assets of trust lawfully pledged for such trust fund, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in

such manner and pursuant to such restrictions as the board may provide in the resolution authorizing the issuance of such bonds.

(5) The board may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the board, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the board whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The board is hereby declared to be performing a public function and bonds of the board are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.

**67.487. 1.** Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

**2.** The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

**3.** The board and the governing body of the county shall annually revise and adopt a plan.

**4.** Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

**(1)** Assessed values below the county average;

**(2)** Median household incomes below the county median;

**(3)** An unemployment rate above the county average;

**(4)** A reduction in the number of jobs with an emphasis upon those jobs paying average or above average salaries;

**(5)** Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and

**(6)** A high vacancy rate among residential, commercial and industrial properties.

- 5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.**
- 6. The board may consider the following factors when determining the appropriate areas and strategies for investment:**
- (1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or any other negative conditions;**
  - (2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;**
  - (3) Incompatible uses that prevent economic development;**
  - (4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;**
  - (5) Depreciated or stagnant property values, including properties that contain hazardous wastes;**
  - (6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities;**
  - (7) The existence of conditions that are not conducive to public safety; and**
  - (8) The lack of necessary commercial facilities normally found in neighborhoods.**
- 7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.**
- 8. The board shall produce an annual report focusing on the accomplishments of the program relative to the goals set forth in the plan, the goals for the next year and the challenges facing the board. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.**
- 9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.**
- 10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the board's ability to achieve its mission. The management audit shall be reviewed by the advisory committee which may offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to address the issues and recommendations contained within the management audit.**
- 11. (1) The board shall establish an eleven member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At least six of the advisory committee's members shall be nominated by a not-for-profit organization which is primarily concerned with the affairs of the local governments within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall**

receive compensation for performance of duties as a committee member.

(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.

(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.

(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to a not-for-profit organization which is primarily concerned with the affairs of the local governments and the members of the governing body of the county. The not-for-profit organization which is primarily concerned with the affairs of the local governments and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section before the sixtieth day from the passage of the resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.

(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.

(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.

**67.490. 1.** The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.

**2.** When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy outlined in the plan.

**3.** The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.

**4. (1)** In reviewing any petition for funding, the board shall first determine if funds are sought for eligible

expenses for a neighborhood reinvestment project. If the petition seeks such funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.

(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
- (b) Providing the necessary physical infrastructure needed to promote significant job growth;
- (c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
- (b) Providing the necessary physical infrastructure needed to promote significant job growth;
- (c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.

5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:

(1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings, cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;

(2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood

organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;

(3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of street lights.

**6. Project categories ineligible for SNAP grant funding shall be:**

(1) Projects accomplished in more than twelve months;

(2) Projects that duplicate existing private or public programs;

(3) Projects that require ongoing services, or requests to support continual operating budgets; and

(4) Projects that conflict with the community comeback plan.

**7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.**

**67.493. Of the funds available to the board, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy-five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:**

(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;

(2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and

(3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner-occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the program."; and

Further amend said bill, page 27, section 71.794, line 96, by inserting immediately after said line the following:

"99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary

or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

**(7) "High unemployment", exists when unemployment in the proposed redevelopment area is at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of nonmetropolitan counties if the area is not located in a metropolitan statistical area;**

**(8) "Low fiscal capacity", exists when the per capita assessed valuation of property in the municipality is less than sixty percent of the entire county in which it is located, or, in unincorporated areas, when the per capita**

**assessed valuation of property in the school district is less than sixty percent of the entire county in which it is located;**

[(7)] **(9)** "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] **(10)** "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] **(11)** "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] **(12)** "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

**(13) "Poverty", either a Missouri municipality within a metropolitan statistical area which has a population of at least fifteen hundred and median household income of under eighty percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under eighty percent of the median household income for the metropolitan area in Missouri, according to the last decennial census;**

**(14) "Public subsidy", any combination of public grants or loans, tax abatements, tax credits, industrial revenue bonds, tax increment financing, or other instruments having similar economic effect which are made available to the developer for the direct benefit of the redevelopment project from actual or potential tax revenues from any taxing district. Subsidies do not include fees for service generated from the redevelopment project, such as parking receipts. Public subsidy shall not include state or federal tax credits, fees for service, such as parking receipts, or incidental rental income generated from the public work or improvement project, or the revenue bonds supported in whole or in part by such fees for service or incidental rental income;**

[(11)] **(15)** "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

[(12)] **(16)** "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] **(17)** "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] **(18)** "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as



applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

[(15)] **(19)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] **(20)** "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] **(21)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

[(18)] **(22)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

**99.866. The provisions of sections 99.866 to 99.872 shall apply to any city not within a county, any county of the first classification with a population of more than nine hundred thousand, any county of the first classification with a population of more than one hundred seventy thousand and less than two hundred five thousand, any county of the third classification with a population of more than nineteen thousand five hundred and less than twenty thousand, any county of the first classification with a charter form of government and a population of less than two hundred fifty thousand and any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand.**

**99.867. 1. The municipality or census block group or groups and any proposed redevelopment area shall meet the requirements of section 99.810 and this section, except for subdivision (5) of subsection 1 of section 99.810,**

which is superseded by section 99.868. An area can qualify if:

- (1) The host municipality or unincorporated area has low fiscal capacity; or**
- (2) The census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area have high unemployment; or**
- (3) The host municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are characterized by poverty; and**
- (4) Except in a federal enterprise zone or a federal empowerment zone area, or a municipality, census block group or groups with a median household income less than seventy percent of that of the metropolitan area, the assessed valuation, reduced by the percentage of increase in the consumer price index as reported by the United States Department of Labor, of the parcels included in the proposed redevelopment area, taken together, has not increased in the three most recent reassessment periods; and**
- (5) The area meets at least one of the following:**
  - (a) There is a pattern of business failures over the last three years, as demonstrated by foreclosures, denied loans, loan defaults, or equivalent statistical documentation; or**
  - (b) Less than seventy-five percent of the square footage of an existing facility is being used at the time the application is made; or**
  - (c) There is a pattern of neighborhood decline demonstrated by mortgage delinquencies, denied mortgage loans or equivalent statistical documentation for residential properties within the proposed area over the last three years; or**
  - (d) The project is to expand or upgrade an existing nonretail business in place without a change in existing predominant land use; or**
  - (e) The project is to redevelop in place an existing retail or commercial property that is at least fifty percent vacant.**

**2. No more than fifty percent of the costs of a redevelopment project may be allocated or expended for retail development unless:**

- (1) The redevelopment is in a municipality, census block group or group of block groups with a median household income less than seventy percent of that of the metropolitan area, a distressed community as defined in section 135.530, RSMo, a federal enterprise zone or a federal empowerment zone; or**
- (2) At least fifty percent of the residents living within a one-quarter mile radius of the boundary of the proposed district are living in poverty, as defined in section 99.805; or**
- (3) The development project is to redevelop in place an existing retail property that is at least fifty percent vacant.**

**3. If the majority of the proposed redevelopment project is located in an area meeting the requirements of low fiscal capacity, high unemployment and poverty set forth in this section, and if such conditions are documented in an area which is contiguous but outside of the qualifying area, and is smaller than a census block group, the contiguous area shall be added to the qualifying area.**

**99.868. 1. The developer shall submit its proposed redevelopment plan to the governing body and the department of economic development. The department shall develop and apply a standard methodology to conduct a cost-benefit analysis of the impact of each redevelopment project on the entire area defined by**

section 99.866 which includes, at a minimum, an assessment of the following:

- (1) Fiscal impacts on all affected taxing jurisdictions;
- (2) Net new job growth;
- (3) Accessibility of employment opportunities for residents of the host municipality;
- (4) Wages associated with net new jobs;
- (5) Effect on the viability of nearby land uses;
- (6) Impact on community cohesiveness and diversity;
- (7) Environmental impacts such as air, soil and water; and
- (8) Sustainability of the revenue stream for affected municipalities.

2. The department shall prepare a cost-benefit analysis of the proposed redevelopment project and shall submit it to the developer, the host municipality and surrounding municipalities within ninety days unless the department and the developer agree to a different timetable. The department shall charge the developer a fee set in an amount not to exceed the department's cost for conducting the cost-benefit analysis. The analysis shall be available to the public at a location within the host municipality for at least thirty days before the municipality makes a decision on the proposal.

99.869. Any affected person may file an action in the circuit court of jurisdiction to challenge any decision of the tax increment financing commission or the governing body within sixty days of such decision. This action will be limited to certifying whether the redevelopment project meets the eligibility requirements set forth in sections 99.867, 99.868 and 99.872.

99.872. 1. The maximum amount of public subsidy for projects approved pursuant to sections 99.805 to 99.869 shall be thirty percent of the total project costs, except that:

(1) If the area meets two of the three criteria established in subdivisions (1) to (3) of subsection 1 of section 99.867, or if the area is a federal enterprise zone or a federal empowerment zone, or a municipality, census block group or group of block groups where the median household income is less than seventy percent of the median household income of the metropolitan area, the public subsidy may be fifty percent of the project costs; or

(2) If at least twenty percent of the project costs are to improve, increase or preserve affordable housing or manufacturing in the area, a public subsidy may provide fifty percent of the project costs.

2. The municipality and the developer shall annually submit information to the department regarding an approved plan for as long as the plan is in effect. The department shall establish reporting requirements by rule promulgated pursuant to chapter 536, RSMo. The department shall submit a report to the governor and the general assembly by the last day of April of each year. The report shall, at a minimum, identify the number and location of redevelopment areas, quantify public investment in each, and assess the public benefit derived from the redevelopment area using the criteria set out in section 99.868."; and

Further amend said bill, page 57, section 135.766, line 16, by inserting immediately after said line the following:

"144.757. 1. Any county or municipality, except municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or

order enacted pursuant to [the authority granted by the provisions of this act] **sections 144.757 to 144.761** shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. Municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the ..... (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently ..... (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(2) (a) The ballot of submission in a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Trust Program; and for the purposes of enhancing local government services; shall the county governing body be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate) provided that if the county sales tax is repealed, reduced or raised by the voter approval, the local use tax rate shall also be repealed, reduced or raised by the same action? The Community Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year. A use tax is the equivalent of a sales tax on purchases from out-of-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(b) The ballot of submission in a municipality within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective

local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the ..... (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of ..... (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761** and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed [under] **pursuant to** sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

**4. For purposes of sections 144.757 to 144.761 and sections 67.478 to 67.493, RSMo, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.**

144.759. 1. All local use taxes collected by the director of revenue [under this act] **pursuant to sections 144.757 to 144.761** on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding

month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by [this act] **sections 144.757 to 144.761**, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals **one-half** the rate of sales tax [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust fund authorized pursuant to sections 67.478 to 67.493, RSMo**. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in [this act] **sections 144.757 to 144.761**, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed [under this act] **pursuant to sections 144.757 to 144.761**, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

144.761. 1. No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to**

**144.761.** If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect."; and

Further amend said bill, page 75, section 348.432, line 14, by inserting immediately after said line the following:

"353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants; provided that, such a county may exercise the authority granted by this chapter only within the unincorporated area of the county;**

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160."; and

Further amend said bill, page 106, section 620.1575, line 5, by inserting immediately after said line the following:

**"Section 1. Any district in any city not within a county, any county of the first classification with a population of**

**more than nine hundred thousand, any county of the first classification with a population of more than one hundred seventy thousand and less than two hundred five thousand, any county of the third classification with a population of more than nineteen thousand five hundred and less than twenty thousand, any county of the first classification with a charter form of government and a population of less than two hundred fifty thousand according to the most recent federal decennial census and any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand according to the most recent federal decennial census providing emergency services pursuant to chapter 190, RSMo, or chapter 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment.";** and

Further amend said bill, page 106, section C, line 22, by inserting immediately after said line the following:

"Section D. Because immediate action is necessary in order to prevent further neighborhood decline and to stimulate economic investment, sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 144.757, 144.759, 144.761 and 353.020 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 144.757, 144.759, 144.761 and 353.020 of this act shall be in full force and effect upon its passage and approval.

Section E. The repeal and repeal and reenactment of sections 99.805, 99.866, 99.867, 99.868, 99.869 and 99.872 shall become effective July 1, 2001.";

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Yeckel requested a division of the question on the adoption of **SA 3**, asking that a vote first be taken on the portion of the amendment dealing with pages 1-24 including lines 1-4 of page 25; and that a second vote be taken on the remainder of the amendment, which request was granted.

Senator Goode moved that Part 1 be adopted, which motion prevailed.

Part 2 was taken up.

Senator Goode moved that Part 2 be adopted, which motion failed on a standing division vote.

Senator Clay offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 260.1575, Line 5 of said page, by inserting after all of said line the following:

**"Section 1. An economic development plan shall be prepared and submitted to the commission with any application for licensure pursuant to sections 313.800 to 313.850, RSMo. Such plan shall detail the revenue impact to the area in which the proposed facility is to be located. The jobs created by the proposed facility and other relevant factors to the economic development of the area proposed as the site for the facility. When determining where to locate a licensed excursion gambling boat, the commission shall give priority to those cities and counties where no current excursion gambling boat exists. The commission shall also give priority to**



**the economic development plan required by this section."**; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 35, Section 67.1461, Line 9 of said page, by inserting after all of said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility

during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center.

For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to [(g)] **(m)** and [(i) to (l)] **(o) to (r)** of subdivision (11) of this section;

(11) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

- (f) Water transportation terminal activities classified as SIC 4491;
- (g) Airports, flying fields, and airport terminal services classified as SIC 4581;
- (h) Wholesale trade activities classified as SICs 50 and 51;
- (i) Insurance carriers activities classified as SICs 631, 632 and 633;
- (j) Research and development activities classified as SIC 873, except 8733;
- (k) Farm implement dealer activities classified as SIC 5999;
- (l) Interexchange telecommunications services as defined in subdivision [(20)] **(24) or local exchange telecommunications services as defined in subdivision (13)** of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in [subdivision (19)] **subdivisions (23) and (30)** of section 386.020, RSMo;
- (m) Recycling activities classified as SIC 5093;
- (n) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;
- (o) Mining activities classified as SICs 10 through 14;
- (p) Computer programming, data processing and other computer-related activities classified as SIC 737;
- (q) The administrative management of any of the foregoing activities; or
- (r) Any combination of any of the foregoing activities;

**A revenue-producing enterprise which is identified by an SIC classification number includes enterprises with the corresponding classification number in the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget.**

- (12) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;
- (13) "SIC", the **primary** standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. **For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at a new business facility during the taxpayer's tax period in which such tax credits are being claimed;**
- (14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.

[135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

- (1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;
- (2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The "property factor" is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The "payroll factor" is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued

operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

(g) Wholesale trade activities classified as SICs 50 and 51;

(h) Insurance carriers activities classified as SICs 631, 632 and 633;

(i) Research and development activities classified as SIC 873, except 8733;

(j) Farm implement dealer activities classified as SIC 5999;

(k) Interexchange telecommunications services as defined in subdivision (24) or local exchange telecommunications services as defined in subdivision (31) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company or by a local exchange telecommunications company as defined in subdivisions (23) and (30) of section 386.020, RSMo;

(l) Recycling activities classified as SIC 5093;

(m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;

(n) Mining activities classified as SICs 10 through 14;

(o) Computer programming, data processing and other computer-related activities classified as SIC 737;

(p) The administrative management of any of the foregoing activities; or

(q) Any combination of any of the foregoing activities;

(12) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;

(13) "SIC", the primary standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.]; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 6**, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 97, Section 620.1420, Line 20, by inserting immediately after the word "industry", as it appears the first time in said line, the following: ", **long term care facilities licensed under Chapter 198,**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4 of said page, by inserting immediately after said line the following:

**"135.918. This section shall be known and may be cited as the "Missouri Agricultural Investment Tax Credit Act". For tax years beginning on or after January 1, 2000, but before December 31, 2004, an individual taxpayer who qualifies as a farmer pursuant to Section 6654(i)(2) of Title 26 of the Internal Revenue Code or a corporate taxpayer who qualifies as a farming corporation pursuant to chapter 350, RSMo, shall be allowed to claim a nonrefundable credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, in an amount equal to ten percent of the cost of any item which is allowable as an expensing election pursuant to Section 179 of the Internal Revenue Code for the same tax year. The tax credit allowed pursuant to this section shall not exceed five hundred dollars. An eligible taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return; provided that, a taxpayer who fails to timely file such taxpayer's return, including extensions, shall not be eligible for a credit pursuant to this section. Any amount of credit that exceeds the tax due for a taxpayer's tax year may be carried back to any of the taxpayer's three prior tax years or carried forward to any of the taxpayer's five subsequent tax years. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536,**



**RSMo.**"; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Mueller offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

**"99.053. 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

- (1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or**
- (2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.**

**2. The provisions of this section shall not apply to those housing authorities:**

- (1) Located within a city not within a county;**
- (2) Located within a city with a population of over four hundred thousand inhabitants;**
- (3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6 of said page, by inserting after all of said line the following:

**"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been**

paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of

hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the

project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; [or]

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand; or

**(3) Contains the site of a county convention and sports facilities authority organized pursuant to sections 67.1150 to 67.1158, RSMo.**

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Singleton offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 9, Section 99.845, Line 11, by adding the following on said line:

"(4) Or any other area of the state with authority organized pursuant to sections 67.1150 to 67.1158, RSMo.".

Senator Singleton moved that the above amendment be adopted, which motion failed.

**SA 9** was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Russell, Scott and Klarich.

**SA 9** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Ehlmann	Flotron	House
Kinder	Maxwell	Schneider--7	
NAYS--Senators			
Bland	Carter	Caskey	Childers
Clay	DePasco	Goode	Graves
Howard	Jacob	Johnson	Kenney
Klarich	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
Absent--Senators--None			
Absent with leave--Senator Mathewson--1			

Senator Stoll assumed the Chair.

Senator DePasco offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5 of said page, by inserting after all of said line the following:

"64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This section shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except that reasonable regulations may be adopted for the gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with such public utility services as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission.

4. For the purpose of any zoning regulation adopted under the provisions of sections 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons. The classification of single-family dwelling or single-family residence shall also include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. A zoning regulation may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards and may also establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling or single-family residence area. Should a single-family dwelling or single-family residence as defined in this subsection cease to operate for the purposes specified in this subsection, any other use of such dwelling or residence, other than that allowed by the zoning regulations, shall be approved by the county board of zoning adjustment. Nothing in this subsection shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

**6. In any county of the first classification having a charter form of government and with a population of more than six hundred thousand but less than nine hundred thousand inhabitants, any zoning ordinance or order granting a conditional use permit adopted by the governing legislative body of such county pursuant to this section shall:**

**(1) Be deemed enacted thirty days after passage; and**

**(2) Not be subject to any veto power or other power to disapprove such ordinance or order from the executive of such county."; and**

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 10** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 10** was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 11**:

#### SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 17, by inserting after all of said line the following:

"208.750. 1. Sections 208.750 to 208.775 shall be known and may be cited as the "Family Development Account Program".

2. For purposes of sections 208.750 to 208.775, the following terms mean:

(1) "Account holder", a person who is the owner of a family development account;

(2) **"Accredited institution of higher education", a university, college, community college, secondary, vocational or technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any institution wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;**

(3) "Community-based organization", any religious or charitable [association formed pursuant to chapter 352, RSMo,] **not-for-profit organization which is tax exempt pursuant to section 501(c)(3) of the Internal Revenue Code**, that is approved by the director of the department of economic development to implement the family development account program;

[(3)] (4) "Department", the department of economic development;

[(4)] (5) "Director", the director of the department of economic development;

[(5)] (6) "Family development account", a financial instrument established pursuant to section 208.760;

[(6)] (7) "Family development account reserve fund", the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program and for providing matching funds for moneys in family development accounts;

[(7)] (8) "Federal poverty level", the most recent poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;

[(8)] (9) "Financial institution", any bank, trust company, savings bank, credit union or savings and loan association as defined in chapter 362, 369 or 370, RSMo, and with an office in Missouri which is approved by the director for participation in the program;

[(9)] (10) "Program", the Missouri family development account program established in sections 208.750 to 208.775;

[(10)] (11) "Program contributor", a person or entity who makes a contribution to a family development account reserve fund and is not the account holder."; and

Further amend said bill, Page 66, Section B, Line 2, by striking "contained in this act" and inserting in lieu thereof the following: "32.105, 32.110, 67.1401, 67.1411, 67.1421, 67.1431, 67.1441, 67.1461, 67.1471, 67.1491, 67.1521, 67.1531, 67.1545, 67.1551, 135.200, 135.355, 135.400, 135.403, 135.405, 135.408, 135.411, 135.423, 135.429, 135.430, 135.478, 135.484, 135.535, 135.545, 135.766, 178.892, 348.300, 348.302, 447.708, 620.470, 620.474, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450, 620.1470, 620.1472, 620.1560 and 620.1575"; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 12**:

#### SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1566, Page 106, Section 620.1575, Line 5 of said page, by inserting immediately after said line the following:

**"620.1730. Sections 620.1730 to 620.1787 shall be known and cited as the "Missouri Business and Industrial Development Companies Act" or "Missouri BIDCO Act".**

**620.1733. As used in sections 620.1730 to 620.1787, the following terms mean:**



**(1) "Affiliate of a BIDCO":**

**(a) Any person, directly or indirectly owning, controlling or holding power to vote fifteen percent or more of the outstanding voting securities or other ownership interests of the Missouri business and industrial development company;**

**(b) Any person fifteen percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled, or held with power to vote by the Missouri business and industrial development company;**

**(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri business and industrial development company;**

**(d) A partnership in which the Missouri business and industrial development company is a general partner;**

**(e) Any person who is an officer, director, or agent of the Missouri business and industrial development company or an immediate family member of such officer, director, or agent;**

**(2) "BIDCO", a business and industrial development company licensed under this act;**

**(3) "Business firm", a person that transacts business on a regular and continual basis, or a person that proposes to transact business on a regular and continual basis;**

**(4) "Department", the Missouri department of economic development;**

**(5) "Director", the director of the department of economic development or a person acting under the supervision of the director;**

**(6) "Entity", a general partnership, a limited partnership, a corporation, including a not-for-profit corporation, or limited liability company;**

**(7) "License", a license issued under this act authorizing a Missouri entity to transact business as a BIDCO;**

**(8) "Licensee", a Missouri entity which is licensed under this act;**

**(9) "Person", an individual, proprietorship, joint venture, partnership, limited liability company, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization;**

**(10) "This act", includes an order issued or rules promulgated under this act.**

**620.1736. 1. The director shall administer this act. The director may issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce, and effectuate the purposes of this act. Any rules promulgated shall be promulgated in accordance with the administrative procedure and review act contained in chapter 536, RSMo.**

**2. Whenever the director issues an order or license under this act, the director may impose conditions that are necessary, in the opinion of the director, to carry out this act and the purposes of this act.**

**3. The director may honor applications from interested persons for declaratory rulings regarding any provision of this act.**

**4. Every final order, decision, license, or other official act of the director under this act is subject to judicial review in accordance with law.**

**5. An application filed with the director under this act shall be in such a form and contain such information as the director may require.**

**620.1739. 1. The director may make public or private investigations within or outside this state that the director considers necessary to determine whether to approve an application filed with the director under this act, to determine whether a person has violated or is about to violate this act, to aid in the enforcement of this act, or to aid in issuing an order or promulgating a rule under this act.**

**2. For purposes of an investigation, examination, or other proceeding under this act, the director may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records which the director considers relevant or material to the proceeding.**

**3. If a person fails to comply with a subpoena issued by the director or to testify with respect to a matter concerning which the person may be lawfully questioned, the circuit court for Cole County, on application of the director, may issue an order requiring the attendance of the person and the giving of testimony or production of evidence.**

**4. Service of process authorized to be made by the director in connection with a noncriminal proceeding under this act may be made by registered or certified mail.**

**620.1742. 1. The director may establish annually a schedule of fees sufficient to pay for the department's costs of administering the Missouri BIDCO act. The fees may be charged for:**

**(1) For filing an application for a licensee;**

**(2) For filing an application for approval to acquire control of a licensee;**

**(3) For filing an application for approval for a licensee to merge with another Missouri entity, an application for approval for a licensee to purchase all or substantially all of the business of another person, or an application for approval for a licensee to sell all or substantially all of its business or of the business of any of its offices to another licensee;**

**(4) For annual license renewal; and**

**(5) For examination of the licensee.**

**2. A fee for filing an application with the director is nonrefundable and is to be paid at the time the application is filed with the director.**

**3. If any fees or penalties provided for in this act are not paid when required, the attorney general may maintain an action against the delinquent licensee to recover the fees or penalties, together with interest and costs.**

**4. A licensee or an affiliate or subsidiary of a licensee that fails to submit a report as required in the Missouri BIDCO act is subject to a penalty of twenty-five dollars for each day the report is delinquent or one thousand dollars, whichever is less.**

**5. Money collected under this section shall be paid into the state treasury to the credit of the department and used only for the operation of the department.**

**620.1745. 1. A licensee shall make and keep books, accounts, and other records in a form and manner as the director may require. These records shall be kept at a place and shall be preserved for a length of time as the director may require.**

**2. The director may require by order that a licensee write down any asset on its books and records to a valuation which represents its then value.**

**3. Not more than one hundred twenty days after the close of each calendar year or a longer period if specified by the director, a licensee shall file with the director an audit report containing all of the following:**

**(1) Financial statements, including balance sheet, statement of income or loss, statement of change in capital accounts, and statement of changes in financial position or, for a licensee that is a Missouri nonprofit corporation, comparable financial statements for, or as of the end of, the calendar year, prepared with an audit by an independent certified public accountant or an independent public accountant in accordance with generally accepted accounting principles;**

**(2) A report, certificate, or opinion of the independent certified public accountant or independent public accountant who performs the audit, stating that the financial statements were prepared in accordance with generally accepted accounting principles; and**

**(3) Other information that the director may reasonably require.**

**4. If a person other than a licensee makes or keeps the books, accounts, or other records of that licensee, this act applies to that person with respect to the performance of those services and with respect to those books, accounts, and other records to the same extent as if that person were the licensee.**

**5. If a person other than an affiliate or subsidiary of a licensee makes or keeps any of the books, accounts, or other records of that affiliate or subsidiary, this section applies to that person with respect to those books, accounts, and other records to the same extent as if that person were the affiliate or subsidiary.**

**6. If the director considers it expedient, the director may require any particular licensee to obtain the approval of the director before permitting another person to make or keep any of the books, accounts, or other records of the licensee.**

**620.1748. Each licensee, each affiliate of a licensee, and each subsidiary of a licensee shall file with the director such reports as and when the director may require. A report under this section shall be in such a form and shall contain such information as the director may require.**

**620.1751. 1. After a review of information regarding the directors, officers, partners, managers, and controlling persons of the applicant, a review of the applicant's business plan, including at least three years of detailed financial projections and other relevant information, and a review of additional information considered relevant by the director, the director shall approve an application for a license if, and only if, the director determines all of the following:**

**(1) The applicant has a net worth, or firm financing commitments which demonstrate that the applicant will have a net worth when the applicant begins transacting business as a BIDCO, in liquid form available to provide financing assistance, that is adequate for the applicant to transact business as a BIDCO as determined under this section;**

**(2) Each director, officer, partner, manager, and controlling person of the applicant is of good character and sound financial standing, is competent to perform his or her functions with respect to the applicant, and that the directors, officers, partners, and managers of the applicant are collectively adequate to manage the business of the applicant as a BIDCO;**

**(3) It is reasonable to believe that the applicant, if licensed, will comply with this act; and**

**(4) The applicant has reasonable promise of being a viable, ongoing BIDCO and of satisfying the basic objectives of its business plan.**

**2. In determining if the applicant has a net worth or firm financing commitments adequate to transact business as a BIDCO, the director shall consider the types and variety of financing assistance that the applicant plans to provide, the experience that the directors, officers, partners, managers, and controlling persons of the applicant have in providing financing and managerial assistance to business firms, the financial projections and other relevant information from the applicant's business plan, and whether the applicant intends to operate as a profit or nonprofit corporation. Except as otherwise provided in this act, the director shall require a minimum net worth of one million dollars.**

**620.1754. If the director denies an application under sections 620.1730 to 620.1787, the director shall provide the applicant with a written statement explaining the basis for the denial.**

**620.1757. If an application for a license is approved and all conditions precedent to the issuance of that license are fulfilled, the director shall issue a license to the applicant. A licensee shall post the license in a conspicuous place in the licensee's principal office. A license is not transferable or assignable without the permission of the director.**

**620.1760. 1. Except as otherwise provided in subsection 2 of this section, a person transacting business in this state, other than a licensee, shall not use a name or title which indicates that the person is a business and industrial development company including, but not limited to, use of the term "BIDCO", and shall not otherwise represent that the person is a business and industrial development company or a licensee.**

**2. Before being issued a license under this act, a Missouri entity that proposes to apply for a license or that applies for a license may perform, under a name that indicates that the entity is a business and industrial development entity, the acts necessary to apply for and obtain a license and to otherwise prepare to commence transacting business as a licensee. Such an entity shall not represent that it is a licensee until after the license has been obtained.**

**3. A licensee shall not misrepresent the meaning or effect of its license.**

**4. The name of each licensee shall include the word "BIDCO". A licensee shall not transact business under any other name.**

**620.1763. 1. After complying with subsection 2 a licensee may apply to the director to have the director accept the surrender of the licensee's license. If the director determines that the requirements of this section have been satisfied, the director shall approve the application unless in the opinion of the director the purpose of the application is to evade a current or prospective action by the director.**

**2. Not less than sixty days before filing an application with the director under subsection 1, a licensee shall notify all of its creditors of its intention to file the application.**

**620.1766. 1. Each corporate licensee shall have at least three members of its board of directors, each general partnership licensee shall have at least three general partners, each limited partnership shall have at least three general partners or a corporate general partner that has at least three directors and each limited liability company licensee shall have at least three managers.**

**2. The managers of each licensee described in subsection 1 of this section shall hold a meeting not less than once each calendar quarter.**

**3. Within thirty days after the death, resignation, or removal of a director, officer, partner, or manager, the election of a director or manager or the appointment of an officer, or the admission of a partner, the licensee shall notify the director in writing of the event and shall provide any additional information which the director may require.**

**620.1769. 1. A licensee shall maintain not less than one office in this state.**

**2. A licensee shall post in a conspicuous place at each of its offices a sign which bears the corporate name of the licensee.**

**3. Upon written notice to the director, a licensee may establish, relocate, or close an office.**

**620.1772. 1. The business of a licensee shall be to provide financing assistance and management assistance to business firms. A licensee shall not engage in a business other than providing financing assistance and management assistance to business firms.**

**2. The powers of a licensee include, but are not limited to, all of the following:**

**(1) To borrow money and otherwise incur indebtedness for its purposes, including issuance of corporate bonds, debentures, notes, or other evidence of indebtedness. A licensee's indebtedness may be secured or unsecured, and may involve equity features including, but not limited to, provisions for conversion to stock and warrants to purchase stock;**

**(2) To make contracts;**

**(3) To incur and pay necessary and incidental operating expenses;**

**(4) To purchase, receive, hold, lease, or otherwise acquire, or to sell, convey, mortgage, lease, pledge, or otherwise dispose of, real or personal property, together with rights and privileges that are incidental and appurtenant to these transactions of real or personal property, if the real or personal property is for the licensee's use in operating its business or if the real or personal property is acquired by the licensee from time to time in satisfaction of debts or enforcement of obligations;**

**(5) To make donations for charitable, educational, research, or similar purposes;**

**(6) To implement a reasonable and prudent policy for conserving and investing its money before the money is used to provide financing assistance to business firms or so pay the expenses of the licensee; and**

**(7) To lend money upon such terms and conditions as it deems reasonable.**

**620.1775. 1. A licensee may determine the form and the terms and conditions for financing assistance provided by that licensee to a business firm including, but not limited to, forms such as loans; purchase of debt instruments; straight equity investments such as purchase of common stock, preferred stock, or membership interests, debt with equity features such as warrants to purchase stock or membership interests, convertible debentures, or receipt of a percent at net income or sales royalty based financing; guaranteeing of debt; or leasing of property. A licensee may purchase securities and membership interests of a business firm either directly or indirectly through an underwriter. A licensee may participate in the program of the small business administration pursuant to section 7(a) of the Small Business Act, Public Law 85:536, 15 U.S.C. 636(a), or any other government program for which the licensee is eligible and which has as its function the provision or facilitation of financing assistance or management assistance to business firms. If a licensee participates in a program referred to in this subsection, the license shall comply with the requirements of that program.**

**2. Management assistance provided by a licensee to a business firm may encompass both management or technical advice and management or technical services.**

**3. Financing assistance or management assistance provided by a licensee to a business firm shall be for the business purposes of that business firm.**

**4. A licensee may exercise the incidental powers that are necessary or convenient to carry on the business of, or are reasonably related to the business of, providing financing assistance and management assistance to business firms.**

**620.1778. 1. A licensee shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition.**

**2. In determining whether a licensee is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the director shall not consider the risk of a provision of financing assistance to a business firm, unless the director determines that the risk is so great compared with the realistically expected return as to demonstrate gross mismanagement.**

**3. Subsection 2 of this section authorizes but does not limit the authority of the director to do any of the following:**

**(1) Determine that a licensee's financing assistance to a single business firm or a group of affiliated business firms is in violation of subsection 1 of this section or constitutes an unsafe or unsound act, if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholders equity of the licensee;**

**(2) Require that a licensee maintain a reserve in the amount of anticipated losses; and**

**(3) Require that a licensee have in effect a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The director shall not require that a licensee adopt a financing assistance policy that contains standards which prevent the licensee from exercising needed flexibility in evaluating and structuring financing assistance to business firms on a deal by deal basis.**

**620.1781. 1. Without the prior approval of the director, a person shall not acquire control of a licensee.**

**2. With respect to an application for approval to acquire control of a licensee, if the director determines, that the applicant and the directors, officers, and managers of the applicant are of good character and sound financial standing, that it is reasonable to believe that, if the applicant acquires control of the licensee, the applicant will comply with this act, and that the applicant's plans, if any, to make a major change in the business, corporate structure, or management of the licensee are not detrimental to the safety and soundness of the licensee, the director shall approve the application. If, after notice and a hearing, the director determines otherwise, the director shall deny the application.**

**3. For purposes of this section, the director may determine any of the following:**

**(1) That an applicant or a director, officer, or manager of an applicant is not of good character if that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty;**

**(2) That an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee if the plan provides for a person to become a director, officer, or manager of the licensee and that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty; and**

**(3) The conditions described in subsection 3 of this section are not the only conditions upon which the commissioner may determine that an applicant or a director, officer, or manager of an applicant is not of good character or that an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee.**

**620.1784. 1. A licensee shall not merge with another entity:**

**(1) If the licensee is the surviving entity, the merger is approved by the director; or**

**(2) If the licensee is a disappearing entity, the surviving entity is a licensee and the merger is approved by the director.**

**2. A licensee shall not purchase all or substantially all of the business of another person unless the purchase is**

approved by the director.

**3. A licensee shall not sell all or substantially all of its business or of the business of any of its offices to another person unless that other person is a licensee and the sale is approved by the director.**

**4. The director shall approve an application for approval of a merger, purchase, or sale, if, and only if, the director determines all of the following:**

**(1) That the merger, purchase, or sale will be safe and sound with respect to the acquiring licensee;**

**(2) That, upon consummation of the merger, purchase, or sale, it is reasonable to believe that the acquiring licensee will comply with this act; and**

**(3) That the merger, purchase, or sale will not have a major detrimental impact on competition in the providing of financial assistance or management assistance to business firms, or if there will be such a detrimental impact, that the merger, purchase, or sale is necessary in the interests of the safety and soundness of any of the parties to the merger, purchase, or sale, or is otherwise, on balance, in the public interest.**

**620.1787. 1. If in the opinion of the director, a person violates, or there is reasonable cause to believe that a person is about to violate this act, the director may bring an action in the name of the people of this state in a circuit court to enjoin the violation or to enforce compliance with this act. Upon a proper showing, a restraining order, preliminary or permanent injunction, or writ of mandamus shall be granted, and a receiver or a conservator may be appointed for the defendant or the defendant's assets. The court shall not require the director to post a bond in an action brought under this act.**

**2. A person having custody of any of the books, accounts, or other records of a licensee shall not willfully refuse to allow the director, upon request, to inspect or make copies of any of those books, accounts, or other records."; and**

Further amend said bill, Page 66, Section 260.285, Line 3, by inserting immediately after said line the following:

**"313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850 shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:**

**(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;**

**(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:**

**(a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;**

**(b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;**

(c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund; [and]

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed two million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2000; **and**

**(e) Fund transfers to the Missouri veterans' business council fund established pursuant to section 620.1725, RSMo.**

Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

(3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter shall be distributed as follows:

(a) Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;

(b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;

(c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (l) of this subdivision, shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:



(i) Start-up funds for necessary materials, supplies, equipment and facilities; and

(ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

(i) A funding plan which demonstrates funding from a variety of sources including parental fees;

(ii) A child development, education and care plan that is appropriate to meet the needs of children;

(iii) The identity of any partner agencies or contractual service providers;

(iv) Documentation of community input into program development;

(v) Demonstration of financial and programmatic accountability on an annual basis;

(vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

(i) Are new or expanding programs which increase capacity;

(ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;

(iii) Are programs designed for special needs children;

(iv) Are programs that offer services during nontraditional hours and weekends; or

(v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment [under] **pursuant to** item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be

used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment [under] **pursuant to** item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates [under] **pursuant to** paragraph (f) of this subdivision and payments [under] **pursuant to** paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) [Any] **No** rule or portion of a rule[, as that term is defined in section 536.010, RSMo, that is] promulgated [under] **pursuant to** the authority [delegated in] **of** paragraph (j) of this subdivision shall become effective [only if the agency has fully complied with all of the requirements of] **unless it has been promulgated pursuant to the provisions of** chapter 536, RSMo[, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998];

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo."; and

Further amend said bill, page 106, section 620.1575, line 59, by inserting immediately after said line the following:

**"620.1700. Sections 620.1700 to 620.1725 shall be known and may be cited as the 'Missouri Veterans' Business Council Act'".**

**620.1705. For the purposes of sections 620.1700 to 620.1725 the following terms mean:**

- (1) "Council", the Missouri veterans' business council established in section 620.1710;**
- (2) "Disabled veteran", a veteran who has served on active or reserve duty in the armed forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a national guard veteran who was permanently disabled as a result of active or reserve service to the state at the call of the governor;**
- (3) "Seed capital", capital provided for start up veteran and disabled veteran owned businesses located in Missouri;**
- (4) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the armed forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or national guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President.**

**620.1710. 1. There is hereby established within the department of economic development the "Missouri Veterans' Business Council".**

**2. The Missouri veterans' business council shall consist of fifteen members to be appointed by the governor with the advice and consent of the senate. Four members shall be veteran business owners, three members shall be disabled veteran business owners, three members shall be veterans working in the professional community and five members shall be from businesses that provide services to veterans. The lieutenant governor and the director of the department of economic development shall serve as ex officio members of the board. Each appointed member shall serve for a term of four years and until a successor is duly appointed; except that, of the members first appointed four members shall serve for terms of four years, four members shall serve for terms of three years, four members shall serve for terms of two years and three members shall serve terms of one year. The council shall meet at least four times each year at the call of the chairperson or upon a call of at least eight members of the council. The members of the council shall receive no compensation, but shall be reimbursed for all necessary and actual expenses incurred in the performance of their official duties on the council.**

**3. The director of the department of economic development shall assign sufficient staff to state offices in Jefferson City, St. Louis, Springfield and Kansas City to carry out the duties required by sections 620.1700 to 620.1725.**

**620.1715. The duties of the Missouri veterans' business council shall include, but are not limited to, the following:**

- (1) Identifying veteran owned businesses and disabled veteran owned businesses in this state;**
- (2) Performing certification of veteran owned businesses and disabled veteran owned businesses;**
- (3) Conducting an initial review of all state policies and programs as they impact veteran owned businesses and disabled veteran owned businesses. The findings and recommendations of the council based on this review shall**

be reported annually to the governor and the general assembly by January fifteenth;

- (4) Monitoring and commenting on legislative proposals at the state, county and local levels;
- (5) Providing public information, which is accessible through various media including the Internet, listservs, newsletters and periodical mailings;
- (6) Establishing a microloan revolving loan program for the operation and delivery of entrepreneurial support programs and services provider, including authorizing tax credits to create and fund such programs, and providing conferences, training and technical assistance;
- (7) Writing and accepting grants;
- (8) Developing an outreach, media and public relations plan;
- (9) Maintaining a working relationship with other governmental agencies as they relate to business growth;
- (10) Providing seed capital money for start-up veteran and disabled veteran owned businesses; and
- (11) Administering the Missouri veterans' business council fund created pursuant to section 620.1725.

**620.1720. 1.** A taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, 147 or 148, RSMo, excluding taxes withheld pursuant to sections 143.191 to 143.265, RSMo, equal to fifty percent of the amount of any money or property such taxpayer contributed to the Missouri veteran's business council fund. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the Missouri veterans' business council may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed by the new owner with the director of revenue specifying the name and address of the new owner of the tax credit and the value of the credit. As used in this section, the term "taxpayer" means any person, partnership, corporation, trust or limited liability company.

**2.** To obtain a tax credit pursuant to this section, a taxpayer shall submit to the Missouri veterans' business council an application for tax credit and proof of a contribution which qualifies the taxpayer for a tax credit. Upon receipt of acceptable proof of contribution, the Missouri veterans' business council shall issue the taxpayer a certificate of tax credit.

**3.** Beginning January 1, 2002, tax credits shall be allowed pursuant to this section in an amount not to exceed two million dollars per year. Tax credit applications shall be considered in the order in which they are received.

**4.** The Missouri veterans' business council may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**620.1725.** There is hereby created in the state treasury the "Missouri Veterans' Business Council Fund", which shall be administered by the Missouri veterans' business council created pursuant to sections 620.1700 to 620.1725. The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium."; and

Further amend said bill, Page 91, Section 620.017, Line 14, by inserting immediately after said line the following:

**"620.050. As used in sections 620.050 to 620.060, unless the context clearly requires otherwise, the following terms shall mean:**

- (1) "Affected small businesses" or "affects small business", any potential or actual requirement imposed upon a small business through an agency's proposed or adopted rule that will cause a direct and significant economic impact upon a small business, or is directly related to the formation, operation, or expansion of a small business;**
- (2) "Agency", each state board, commission, department, or officer authorized by law to make rules, except those in the legislative or judicial branches;**
- (3) "Board", the small business regulatory review board; and**
- (4) "Small business", a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees.**

**620.052. 1. Prior to submitting proposed rules for adoption, amendment, or repeal pursuant to chapter 536, RSMo, the agency shall determine whether the proposed rules affect small business, and if so, the availability and practicability of less restrictive alternatives that could be implemented. This section shall not apply to emergency rulemaking as set forth in section 536.025, RSMo. This section shall be in addition to the fiscal note requirement of sections 536.200 to 536.210, RSMo.**

**2. If the proposed rules affect small business, the agency shall consider creative, innovative, or flexible methods of compliance for small businesses and prepare a small business impact statement to be submitted with the proposed rules. The statement may provide a reasonable determination of the following:**

- (1) The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules;**
- (2) Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected;**
- (3) In dollar amounts, the increase in the level of direct costs such as fees or administrative penalties, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance;**
- (4) The probable monetary costs and benefits to the implementing agency and other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used;**
- (5) The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating techniques;**
- (6) How the agency involved small business in the development of the proposed rules;**
- (7) Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard;**
- (8) Whether other states or entities have similar rules, and if determinable, what alternatives were implemented, along with associated costs.**

**3. Any small business may offer to the agency alternatives to the proposed rule to reduce the impact of the proposed rule upon small business.**

**4. This section shall not apply to proposed rules adopted by an agency to implement a statute that does not require an agency to interpret or describe the requirements of the statute such as federally mandated regulations which affords the agency no discretion to consider less restrictive alternatives, nor shall this section apply to any agency that considers the same or similar impact as contained in this section, provided that such agency publish the same or similar statement as part of its rulemaking process.**

**620.054. 1. There shall be established within the department of economic development a small business regulatory review board to consider any request from small business owners for review of any rule adopted by a state agency and to make recommendations to the agency or the general assembly regarding the need for a rule change or legislation. The establishment of the small business regulatory review board shall be a type I agency as defined in appendix B, RSMo.**

**2. The small business regulatory review board shall consist of five members, who shall be appointed or serve by designation as follows:**

- (1) Three members to be appointed by the governor;**
- (2) One member to be appointed by the speaker of the house of representatives; and**
- (3) One member to be appointed by the president pro tempore of the senate.**

**The lieutenant governor shall be an ex officio nonvoting member of the board. All nonlegislative appointments made pursuant to this subsection shall be made from a list of nominees, submitted to each appointing authority, by any nonprofit organization formed under the laws of this state the principal purpose of which is to function as a business membership service organization.**

**3. The appointments shall reflect representation of a variety of small businesses in the state, provided that no more than two members shall be representatives from the same type of small business.**

**4. All nonlegislative members of the small business regulatory review board shall be either a current or former owner or officer of a small business and shall not be an officer or employee of the federal, state, or county government. The governor shall appoint the initial chairperson of the board and a majority of the board shall elect subsequent chairpersons. The chairperson shall serve a term of not more than one year, unless removed earlier by a two-thirds vote of all members of the board.**

**5. A majority of all the members of the board shall constitute a quorum to do business and the concurrence of a majority of all the members of the board present and voting shall be necessary to make any action of the board valid.**

**620.056. 1. In addition to the basis for filing a petition provided in section 536.041, RSMo, any affected small business may file a written petition with the agency that has adopted rules objecting to all or part of any rule affecting small business on any of the following grounds:**

- (1) The actual effect on small business was not reflected in, or significantly exceeded, the small business impact statement submitted prior to the adoption of the rules;**
- (2) The small business impact statement did not consider new or significant economic information that reveals an undue impact on small business;**
- (3) The rules create an undue barrier to the formation, operation, and expansion of small businesses in a manner that significantly outweighs its benefit to the public;**
- (4) The rules duplicate, overlap, or conflict with rules adopted by another agency or violate the substantive authority under which the rules were adopted; or**

**(5) The technology, economic conditions, or other relevant factors justifying the purpose for the rules have changed or no longer exist.**

**2. Upon submission of the petition, the agency shall forward a copy of the petition to the small business regulatory review board and the joint committee on administrative rules, as required by section 536.041, RSMo, as notification of a petition filed pursuant to the provisions of sections 620.050 to 620.060. The agency shall promptly consider the petition and may seek advice and counsel regarding the petition. Within sixty days after the submission of the petition, the agency shall determine whether the impact statement or the public hearing addressed the actual and significant impact on small business. The agency shall submit a written response of the agency's determination to the small business regulatory review board within sixty days after receipt of the petition. If the agency determines that the petition merits the adoption, amendment, or repeal of a rule, it may initiate proceedings in accordance with the applicable requirements of chapter 536, RSMo.**

**3. If the agency determines that the petition does not merit the adoption, amendment, or repeal of any rule, any affected small business may seek a review of the decision by the small business regulatory review board. The board may convene a meeting for the purpose of soliciting testimony that will assist in its determination whether to recommend that the agency initiate proceedings in accordance with chapter 536, RSMo. The board shall not consider a successive petition on the same rule for a period of one year. For rules adopted after August 28, 2000, the board may base its recommendation on any of the following reasons:**

**(1) The actual effect on small business was not reflected in, or significantly exceeded, the impact statement submitted prior to the adoption of the rules;**

**(2) The impact statement did not take into account new or significant economic information that reveals an undue impact on small business;**

**(3) The rules created an undue barrier to the formation, operation, and expansion of small businesses in the state in a manner that significantly outweighs its benefit to the public;**

**(4) The rules duplicate, overlap, or conflict with rules adopted by another agency or violate the substantive authority under which the rules were adopted; or**

**(5) The technology, economic conditions, or other relevant factors justifying the purpose for the rules have changed or no longer exist.**

**4. If the small business regulatory review board recommends that an agency initiate rulemaking proceedings for any reason provided in subsection 2 or 3 of this section, it shall submit to the general assembly an evaluation report and the agency's response as provided in this section. The general assembly may subsequently take such action in response to the evaluation report and the agency's response as it finds appropriate.**

**620.058. 1. Each agency having rules that affect small business in effect on August 28, 2000, shall submit by June thirtieth of each odd-numbered year, a list of those rules to the small business regulatory review board.**

**2. The small business regulatory review board shall provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any rules that the board determines may duplicate, overlap, or conflict with other rules, or exceed statutory authority. The board may request a response from the agency regarding any specific rule so submitted. Within forty-five days after being notified by the board of any specific rule at issue, the agency shall submit a written report to the board in response to the complaints or concerns. The agency shall also state whether the agency has considered the continued need for the rules and the degree to which technology, economic conditions, and other relevant factors may have diminished or eliminated the need for maintaining the rules.**

**3. The board may solicit testimony from the public and any agency regarding any report submitted by the agency under this section at a public meeting. Upon consideration of any report submitted by an agency under this section and any public testimony, the small business regulatory review board shall submit an evaluation**

**report to each regular session of the general assembly in even-numbered years. The evaluation report shall include an assessment as to whether the public interest significantly outweighs a rule's effect on small business and any legislative proposal to eliminate or reduce the effect on small business. The evaluation report may include assessments of the regulatory agencies, and make such recommendations regarding small business regulatory fairness. The general assembly may take such action in response to the report as it finds appropriate.**

**620.060. 1. Except where a penalty is assessed pursuant to a program approved, authorized, or delegated under a federal law, any agency authorized to assess administrative penalties as allowed by federal or state law upon a small business shall waive or reduce any penalty for a violation of any statute or rules by a small business under the following conditions:**

- (1) The small business corrects the violation within a minimum of thirty days after receipt of a notice of violation or citation; and**
- (2) The violation was unintentional or the result of excusable neglect.**

**2. Subsection 1 of this section shall not apply when:**

- (1) A small business fails to exercise good faith in complying with the statute or rules;**
- (2) A violation is knowing or involves criminal conduct; or**
- (3) A violation results in serious health, safety, or environmental impact."; and**

Further amend said bill, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"99.820. 1. A municipality may:

- (1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;**
- (2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;**
- (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;**
- (4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;**
- (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;**



- (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;
- (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;
- (8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;
- (9) Acquire and construct public facilities within a redevelopment area;
- (10) Incur redevelopment costs and issue obligations;
- (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;
- (12) Disburse surplus funds from the special allocation fund to taxing districts as follows:
  - (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;
  - (b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;
  - (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;
- (13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;
- (14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

- (1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;
  - (2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;
  - (3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;
  - (4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;
  - (5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;
  - (6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;
  - (7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments;
  - (8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within ninety days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment thereto.**
3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing

referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 13**:

#### SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 48, Section 135.484, Line 2 of said page, by inserting after all of said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business" **or "qualified Missouri agricultural business"**, any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the

director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business **or, in the case of certified capital raised after August 28, 2000, a qualified Missouri agricultural business;**

(13) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars. Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

**(14) "Qualified Missouri agricultural business", any independently owned and operated business which is headquartered and located in Missouri, and which is either:**

**(a) A rural agricultural business whose projects add value to agricultural projects and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or**

**(b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;**

**[(14)] (15) "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.**

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; [and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section] **in calendar year 1998, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits; and for calendar year 2000, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits. Thereafter, the aggregate amount of earned and vested certified capital company credits that may be taken on an annual basis by all Missouri certified capital company investors shall not exceed an amount equal to ten percent of the cumulative credits earned in respect of certified capital invested in previous years.** During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. [Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.] The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision (13) of subsection 2 of section 135.500 means a Missouri business that is located in a distressed community as defined in section 135.530, and meets all of the

requirements of subdivision (13) of subsection 2 of section 135.500, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars. During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection [3] **4** of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments, **and in the case of any certified capital raised after August 28, 2000, at least twenty-five percent of which in terms of dollars, shall be, or have been, placed in qualified investments in qualified Missouri agricultural businesses.** A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in

qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate, **including, subject to the approval of the department upon terms and conditions determined by it, investments with an investor of the Missouri certified capital company or an affiliate or subsidiary of such investor of the Missouri certified capital company which is providing a guarantee, indemnity, bond, insurance policy or other guaranteed payment undertaking in favor of the investors that have invested certified capital in the Missouri certified capital company and which is rated AA or better by Standard and Poor's Rating Group or the equivalent by another nationally-recognized agency.** The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments **and, with respect to qualified investments made with certified capital raised after August 28, 2000, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kenney offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 & 1810, Page 3, Section A, Line 7, by inserting after all of said line the following:

**"26.620. 1. There is established within the office of the lieutenant governor a small business advocate. Unless otherwise specifically provided by law, and upon written request by a small business, the small business advocate will serve as a point of contact for the state's small business owners. The advocate will act on behalf of small business owners who have questions or problems involving state government. The small business advocate may also engage in the following activities:**

**(1) Facilitate and coordinate with federal, state, and county agencies and officials on any matter relating to and promoting the interests of small business;**

**(2) Conduct investigations to secure information useful in the promulgation of administrative rules and laws favorable to the interests of small businesses;**

**(3) Refer any appropriate matter to the state auditor for examination or investigation;**

**(4) Do any and all things necessary to effectuate the purposes of this section; and**

**(5) Facilitate meetings involving legislative matters which are of interest to small business.**

**2. The small business advocate shall submit an annual report to the general assembly detailing their activities no later than twenty days prior to convening of the regular session.**

**3. As used in this section, "small business" means a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees."; and**

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 15**:

SENATE AMENDMENT NO. 15Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 41, Section 135.406, Lines 19-20 of said page, by striking "at least" and inserting in lieu thereof the following: **"no more than"**; and

Further amend said bill and section, Page 42, Line 2 of said page, by inserting immediately after the word "development" the following: **"; but in the event this one-million-dollar set aside is not used in its entirety by September 1 of any year, the balance of the credit may be used by other entities qualifying for tax credits under the capital tax credit program as defined in sections 135.400 to 135.430".**

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 16**:

SENATE AMENDMENT NO. 16



Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills 1566 & 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

**"Section 1. There shall be a faculty representative to the board of curators or the board of regents in each of the educational campus referred to in section 172.010, RSMo, section 174.020, RSMo, section 174.601, RSMo and section 175.010, RSMo, to be appointed and serve in the same manner as provided in sections 172.035 and 172.037, RSMo, except that the provisions of subsections 2, 5, 7 and 8 of section 172.035, RSMo, shall not apply to faculty representatives. Faculty representatives will be chosen in a manner that ensures that the representatives represent the economic interests of the state of Missouri.";** and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Clay raised the point of order that **SA 16** is out of order as it exceeds the original scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob offered **SA 17**:

#### SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.766, Line 16, by inserting after all of said line the following:

**"144.049. 1. There is hereby specifically exempted from the provisions of the state sales and use tax law in sections 144.010 to 144.811, and the local sales and use tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.811, and from the computation of the tax levied, assessed or payable pursuant to both state and local sales and use tax law, all retail sales of any article of clothing having a taxable value of one hundred dollars or less during the period beginning 12:01 a.m. on the first Thursday in August next following the effective date of this act through midnight on the following Sunday. For purposes of this section, the term "clothing" means any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands or belt buckles. Any local sales tax revenue lost due to the implementation of the sales tax holiday period defined in this section will be reimbursed by the state and every local political subdivision held harmless.**

**2. The provisions of this section shall expire July first at least twelve months following the effective date of this section.";** and

Further amend said bill, Page 106, Section C, Line 22, by inserting after all of said line the following:

**"Section D. Because of the need to give parents of school children a tax credit, the enactment of section 144.049 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and the enactment of section 144.049 is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."**

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Clay offered **SA 18**:

#### SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

**"Section 1. 1. The Missouri housing development commission shall establish a pilot program, in conjunction with the governing body of any city not within a county, to renovate abandoned houses within any city not within a county, for sale to individuals with incomes at or below three hundred percent of the federal poverty level. The price of the renovated housing sale shall not exceed the costs incurred for the renovation. The buyer of any renovated home may use any available financing mechanism to make the purchase, including any state or federal assistance program.**

**2. The Missouri housing development commission is authorized to issue bonds, notes or other obligations not to exceed ten million dollars to fund the renovation of abandoned housing. Any city not within a county is authorized to issue bonds, notes or other obligations in an amount not to exceed ten million dollars to fund the renovation of abandoned housing, as described in this section.**

**3. Bonds authorized by this section shall be issued pursuant to a resolution adopted by the Missouri housing development commission and the governing body of a city not within a county. Bonds or notes issued pursuant to this section shall set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.**

**4. Such bonds or notes shall bear interest at a rate set by the Missouri housing development commission and the governing body of any city not within a county which is establishing such pilot program as described in this section, and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.**

**5. Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes.**

**6. Bonds or notes issued by the Missouri housing development commission or the governing body of a city not within a county shall be payable as to principal, interest and redemption premium, if any, out of the revenues from the sale of the renovated abandoned houses. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the Missouri housing development commission or the governing body of a city not within a county within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the Missouri housing development commission or the governing body of a city not within a county shall not be obligated to pay such bond or interest on such bond except from the revenues received from the sale of the renovated abandoned houses, and that neither the full faith or credit or taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions the Missouri housing development commission and the governing body of a city not within a county may provide in their resolutions authoring the issuance of such bonds.**

**7. Any city not within a county shall use all funds received from the issuance of such bonds to fund the housing renovation program pursuant to this section.**

**8. A commission is hereby established to administer the programs created by this section. This commission shall be composed of five members, two appointed by the Missouri housing development commission, two appointed by the mayor of any city not within a county which is establishing such pilot program as described in this**

section, and one member to be the mayor of said city, or the mayor's delegate.

**9. A jobs training program is hereby established, to be funded by the five dollar court filing fee established by this section, to create employment opportunities for persons living in any city not within a county which established such pilot program as described in this section. The commission established by this section shall be authorized to seek federal and private funding sources to support this program.";** and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 19**:

#### SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 14, Section 67.1401, Line 21, by inserting after all of said line the following:

"67.1442. Upon the written request of any real property owner within a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, the governing body of the municipality may hold a public hearing for the removal of real property from such district or moved from one zone designation of the district to another zone designation of the district and such real property may be removed from such district or moved from one zone designation of a district to another zone designation of the same district, provided that:

- (1) The board consents to the removal of such property;
- (2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed from the district or moved from one zone designation of the district to another zone designation of the same district; and
- (3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431 and such notice shall include:
  - (a) The date, time and place of the public hearing;
  - (b) The name of the district;
  - (c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district or moved from one zone of designation of the district to another zone of designation of the same district, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and
  - (d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.";

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 20**:

#### SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 66, Section 260.285, Line 3, by inserting immediately after said line the following:

"334.108. 1. As used in this section, a "covenant not to compete" means an agreement or part of a contract of employment in which the covenantee agrees for a specific period of time and within a particular area to refrain from competition with the covenantor.

2. A covenant not to compete is not enforceable if it is ancillary to or part of an otherwise enforceable agreement with a not-for-profit hospital organized under chapter 81, 82, 96, 205, 206 or 355, RSMo.

3. Except as provided in subsection 2 of this section, a covenant not to compete is enforceable against a person licensed as a physician by the Missouri state board of registration for the healing arts pursuant to this chapter if it is ancillary to or part of an otherwise enforceable agreement with a health carrier as defined in section 376.1350, RSMo, at the time the agreement is made to the extent that it contains limitations as to time, geographical area, and scope of activity to be restrained that are reasonable and do not impose a greater restraint than is necessary to protect the goodwill or other business interest of the physician.

4. A covenant entered into pursuant to this section shall:

(1) Not deny the physician access to a list of his patients whom he had seen or treated within one year of termination of the contract or employment;

(2) Provide access to medical records of the physician's patients upon authorization of the patient and any copies of medical records for a reasonable fee pursuant to section 191.227, RSMo;

(3) Provide that any access to a list of patients or to patients' medical records after termination of the contract or employment shall be provided in the format that such records are maintained except by mutual consent of the parties to the contract;

(4) Provide for a buy out of the covenant by the physician at a reasonable price or, at the option of either party, as determined by a mutually agreed upon arbitrator whose decision shall be binding on the parties or, in the case of an inability to agree, an arbitrator of the court whose decision shall be binding on the parties; and

(5) Permit the physician to provide continuing care and treatment to a specific patient or patients during the course of an acute illness even after the contract or employment has been terminated.

5. This section applies to a covenant entered into on or after August 28, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 21**, which was read:

#### SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 24, Section 67.1545, Line 18, by adding after all of said line the following:

"71.014. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand,] **six hundred fifty thousand**, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record in all tracts located within the area to be annexed."; and

Further amend the title and enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

**"Section 1. Any person acting in the course of general duties shall not be held personally liable regardless of the date of the act. This section shall not apply to any intentional criminal act."**

Further amend title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 & 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

**"82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

**2. The registration form shall be developed by the governing body of such city and shall contain:**

**(1) The name, personal address, business address and telephone numbers of the landlord;**

**(2) The address of each property located in the city that is owned and leased by the landlord;**

**(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; and**

**(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.**

**3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.**

**4. This section shall be of no force and effect on or after January 1, 2006.**

**5. This section shall apply only to individuals and entities that own five or more pieces of rental property; and**

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4, by inserting immediately after all of said line the following:

"148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, [under] **pursuant to any law of this state. For any tax year beginning on or after January 1, 2002, any deduction for examination fees paid during tax year 2002 or thereafter which exceeds premium taxes payable for that tax year shall not be refunded, but may be carried forward to subsequent tax years until exhausted.**"; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 25**, which was read:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Pages 60-64, Sections 205.571, 205.573, 205.575, 205.577, by deleting all of said sections; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Flotron offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 3, Section 32.105, Line 1, by inserting before all of said line the following:

**"32.045. 1. There is established within the office of administration the "Department of Revenue Oversight Board". The oversight board shall be composed of nine members, as follows:**

- (1) Seven members shall be individuals who are not otherwise state officers or employees and who meet the qualifications described in subsection 2 of this section and who are appointed by the governor with the advice and consent of the senate;**
- (2) One member shall be the director of revenue; and**
- (3) One member shall be an individual who is, and has been for at least five years prior to appointment, a full-time employee of the department of revenue and who shall be appointed by the governor with the advice and consent of the senate.**

**2. Members of the oversight board described in subdivision (1) of subsection 1 of this section shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one**

or more of the areas as follows:

- (1) At least one member shall have experience in the tax laws of this state, including tax administration and compliance;**
- (2) At least one member shall have experience in information technology;**
- (3) At least one member shall have experience in business organization and development in this state;**
- (4) At least one member shall have experience in addressing the needs and concerns of individual income taxpayers of this state;**
- (5) At least one member shall have experience in operating a business with fewer than twenty employees in this state;**
- (6) At least one member shall have experience in operating a business with more than twenty and fewer than one hundred employees, with a headquarters located within this state; and**
- (7) At least one member shall have experience in operating a business with more than one hundred employees, with a headquarters located within this state.**

**3. Each member of the board, other than the director of revenue, shall be appointed for a term of five years, except that of the members initially appointed to the board, two members shall be appointed for a term of two years, two members shall be appointed for a term of three years, two members shall be appointed for a term of four years, and two members shall be appointed for a term of five years. Such members shall not serve more than one five-year term. Any vacancy on the oversight board shall be filled by a person with expertise in the same area as the person's predecessor, and shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term and may be reappointed to one full five-year term at the end of the original term.**

**4. The oversight board shall oversee the department in its administration, management, conduct, direction, execution and application of the tax laws of this state. Specifically, the board shall be responsible for the following:**

- (1) Review and approval of department of revenue strategic plans, including the establishment of mission and objectives and standards of performance relative to either;**
- (2) Review of the department's operational functions, including any plans for tax system modernization, outsourcing, training and education;**
- (3) Overseeing management of the department by recommending candidates for the director of revenue position to the governor, recommending removal of the director, if necessary, and reviewing the selection and evaluation of the senior staff of the department;**
- (4) Reviewing and approving or disapproving any director's plan for major reorganization of the department to ensure such reorganization serves the best interests of the taxpayers of this state;**
- (5) Overseeing the department's budget requests through review and approval of such requests prior to submittal to the legislature, ensuring the budget requests support the department's strategic plan;**
- (6) Ensuring the proper treatment of taxpayers by auditors and other department employees.**

**5. Tax information deemed confidential under the provisions of section 32.057 shall remain confidential and disclosure of such confidential tax information shall be allowed to board members only in accordance with the**

provisions of section 32.057, unless a taxpayer specifically authorizes disclosure of tax information in writing. Upon receipt of a written disclosure authorization, the department shall provide tax information regarding the taxpayer to the board. Records pertaining to the overall operation of the department's tax collection and administration, the disclosure of which is not limited by section 32.057, shall be provided to any member of the board as soon as reasonably possible following receipt by the department of revenue of a written request for such information by the board member.

6. All actions of the board shall be approved by a simple majority vote of the board.

7. In accordance with the provisions of subdivision (6) of subsection 4 of this section, and notwithstanding the provisions of any other law to the contrary, the board shall review and approve any tax administration action or collection activity that impacts a large number of businesses within a particular industry or group of taxpayers prior to department of revenue taking such action or pursuing such activity. Some factors the board shall consider include:

- (1) Whether the action or activity is consistent with previous instructions given to members of the industry, both formal and informal, by the department of revenue through verifiable telephone conversations, informal letters or regulations promulgated by the department;
- (2) Whether the action or activity is consistent with previous industry practices with regard to the issue at hand, determined by testimony of other businesses in the same industry;
- (3) Whether the action or activity is consistent with any final decision issued by a court of competent jurisdiction or the administrative hearing commission regarding the issue at hand;
- (4) The monetary impact of the action or activity on the industry as a whole; and
- (5) Any other factor that, in the opinion of the board, should be considered in the interest of the fair treatment of taxpayers by the department of revenue.

8. If the board, by majority vote, determines that an action or activity of the department as determined under subsection 7 of this section is improper, the board shall have the authority to direct the department to follow a course of action deemed acceptable to a majority of the members of the board.

9. Any decision of the board shall be consistent with existing statutes and decisions of a court of competent jurisdiction or the administrative hearing commission regarding the issue.

10. Any decision of the board may be appealed to the administrative hearing commission in the same manner as the procedure provided for appeal of decisions of the director of revenue as provided in section 621.050, RSMo, provided that any such appeal is filed within sixty days of the date the decision is issued by the board.

11. Taxpayers may personally represent themselves in any proceedings of the board. In the case of a business, any owner, partner or officer of the company may represent the business in any proceedings of the board.

12. Each member of the board shall be reimbursed for reasonable and necessary expenses, including travel expenses, actually incurred in the performance of his or her official duties.

13. Meetings of the board shall be held at least once per month and shall be subject to the provisions of chapter 610, RSMo, regarding meetings of governmental bodies. Records shall be maintained of all meetings and shall be subject to the provisions of chapter 610, RSMo, regarding public records except where disclosure of such records would violate the provisions of section 32.057, in which case the provisions of section 32.057 shall prevail. ";and

Further amend the title and enacting clause accordingly.



Senator Flotron moved that the above amendment be adopted, which motion failed.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Goode offered **SA 27**:

#### SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 & 1810, Page 57, Section 135.535, Line 16 of said page, by inserting after all of said line the following:

"144.757. 1. Any county or municipality, except municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to [the authority granted by the provisions of this act] **sections 144.757 to 144.761** shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. Municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the ..... (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently ..... (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(2) (a) The ballot of submission in a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Trust Program; and for the purposes of enhancing local government services; shall the county governing body be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate) provided that if the county sales tax is repealed, reduced or raised by the voter approval, the local use tax rate shall also be repealed, reduced or raised by the same action? The Community**

**Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year. A use tax is the equivalent of a sales tax on purchases from out-of-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(b) The ballot of submission in a municipality within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the ..... (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of ..... (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761** and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed [under] **pursuant to** sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed,

reduced or raised by the same action repealing, reducing or raising the local sales tax.

**4. For purposes of sections 144.757 to 144.761 and sections 67.478 to 67.493, RSMo, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.**

144.759. 1. All local use taxes collected by the director of revenue [under this act] **pursuant to sections 144.757 to 144.761** on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by [this act] **sections 144.757 to 144.761**, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals **one-half** the rate of sales tax [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust fund authorized pursuant to sections 67.478 to 67.493, RSMo**. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in [this act] **sections 144.757 to 144.761**, all provisions of sections 32.085 and 32.087, RSMo,

applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed [under this act] **pursuant to sections 144.757 to 144.761**, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

144.761. 1. No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect."; and

Further amend said bill, Page 75, Section 348.432, Line 15 of said page, by inserting after all of said line the following:

"353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants; provided that, such a county may exercise the authority granted by this chapter only within the unincorporated area of the county;**

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision

for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160."; and

Further amend said bill, Page 106, Section C, Line 12 of said page, by inserting after the word "sections" the following: "67.478, 67.481, 67.484, 67.487, 67.490, 67.493,"; and further amend line 13 of said page, by inserting after the numeral "135.535," the following: "144.757, 144.759, 144.761,"; and further amend line 14 of said page, by inserting after the numeral "348.302," the numeral "353.020,"; and further amend line 18 of said page, by inserting after the word "sections" the following: "67.478, 67.481, 67.484, 67.487, 67.490, 67.493,"; and further amend line 19 of said page, by inserting after the numeral "135.535," the following: "144.757, 144.759, 144.761,"; and further amend said line, by inserting after the numeral "348.302," the numeral "353.020,"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 28**, which was read:

#### SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line:

"Section 7. In the event that any person, or entity, which has entered into a contract with the state or any political subdivision has been found, or has admitted to be, in violation of any state statute or regulation which relates to the performance of its contract, then that person or entity will be prohibited for three years from entering into any contracts with the state or any political subdivision."; and

Further amend the title and enacting clauses accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 29**:

#### SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5, by inserting immediately after said line the following:

"67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law

enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

[ ] Yes [ ] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

[ ] Yes [ ] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. **Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.**

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for

cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

67.700. 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

{ } YES { } NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this

section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose, **including the payment of principle and interest on any bonds issued to pay for such capital improvement**. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

4. The sales tax may be imposed at a rate of **one-eighth of one percent**, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 30**:

#### SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5 of said page, by inserting at the end of said line the following:

"32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

(1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;

(2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;

(3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;

(4) The tax on other financial institutions in chapter 148, RSMo;

(5) The corporation franchise tax in chapter 147, RSMo;

(6) The state income tax in chapter 143, RSMo; [and]

(7) The annual tax on gross receipts of express companies in chapter 153, RSMo; **and**

**(8) The tax on net deposits, net premiums or net assets of insurance carriers as determined in section 287.690,**



**RSMo.**

**2. For proposals approved pursuant to section 32.100:**

- (1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;
- (2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;
- (3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:
  - (a) An area that is not part of a standard metropolitan statistical area;
  - (b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or
  - (c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

- (4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;
- (5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

**3. For proposals approved pursuant to section 32.111:**

- (1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530, RSMo, by a

business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupants shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with provisions of sections 32.100 to 21.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If any any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 21.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

**6. The provisions of subdivision (8) of subsection 1 of this section shall apply to all tax years beginning on or after January 1, 2000."**

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered SA 31:

## SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 75, Section 348.432, Line 14, by inserting after all of said line the following:

"393.705. As used in sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(2) "Commission", any joint municipal utility commission established by a joint contract under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, a water supply district formed under the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

(4) "Joint contract", the contract entered into among or by and between two or more [contracting municipalities, between municipalities and public water supply districts, or between municipalities and sewer districts] **of the following contracting entities** for the purpose of establishing a commission:

**(a) Municipalities;**

**(b) Public water supply districts;**

**(c) Sewer districts;**

**(d) Nonprofit water companies; or**

**(e) Nonprofit sewer companies;**

(5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;

(6) "Project", the purchasing, construction, extending or improving of any revenue-producing water, sewage, gas or electric light works, heating or power plants, including all real and personal property of any nature whatsoever to be used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport and treatment of sewage or interchange of water, sewage, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

393.715. 1. The general powers of a commission to the extent provided in section 393.710 herein and subject to the provisions of section 393.765 herein shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of

such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors shall determine. A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 **or** 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission;

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

**3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; and provided further that such locations and areas previously receiving service from such nonprofit entity are not located within:**

**(a) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;**

**(b) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or**

**(c) The certificated area of a water corporation that is subject to the jurisdiction of the public service commission. New water or sewer service may be provided by the commission in all areas previously serviced by the nonprofit entity."; and**

Further amend said title, enacting clause and intersectional references accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered SA 32:

#### SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 17, by inserting after all of said line the following:

"247.030. 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, "city" means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and to redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

3. The boundaries of any district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

(1) The board of directors of the district and five or more voters within the territory proposed to be annexed by the district; or

(2) A majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. Upon the entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any voter who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the voter shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary

of state. The costs of this proceeding shall be borne by the petitioning property owner.

**5. In the event that the district becomes the successor, upon dissolution, to any joint municipal utility commission established by the district and any of the contracting entities described in subdivision (4) of section 393.705, RSMo, then, upon the petition of the board of directors to the circuit court, the court shall amend the boundaries of such district to incorporate any area previously served by the dissolved joint municipal utility commission that the district intends to continue to serve with water or sewer service. The court shall also modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable.**

247.050. The following powers are hereby conferred upon public water supply districts organized under the provisions of sections 247.010 to 247.220:

- (1) To sue and be sued;
- (2) To purchase or otherwise acquire water for the necessities of the district;
- (3) To accept by gift any funds or property for the uses and purposes of the district;
- (4) To dispose of property belonging to the district, under the conditions expressed in sections 247.010 to 247.220;
- (5) To build, acquire by purchase or otherwise, enlarge, improve, extend and maintain a system of waterworks, including fire hydrants;
- (6) To contract and be contracted with;
- (7) To condemn private property within or without the district, needed for the uses and purposes in sections 247.010 to 247.220 provided for;
- (8) To lease, acquire and own any and all property, equipment and supplies needed within or without the district in the successful operation of a waterworks system;
- (9) To contract indebtedness and issue general or special obligation bonds, or both, of the district therefor, as herein provided;
- (10) To acquire by purchase or otherwise, a system of waterworks, and to build, enlarge, improve, extend and equip such system for the uses and purposes of the district;
- (11) To certify to the county commission or county commissions of the county or counties within which such district is situate, the amount or amounts to be provided by the levy of a tax upon all taxable property within the district to create an interest and sinking fund for the payment of general obligation bonds of the district and the interest thereon; and also
- (12) To create an incidental fund to take care of all costs and expenses incurred in incorporating the district, and all obligations contracted prior thereto and connected therewith; and
- (13) To purchase equipment and supplies needed in the operation of the water system of the district; provided, however, that the power to create an incidental fund by the levy of a general property tax shall cease after two annual levies therefor shall have been made, and such levy shall not exceed fifteen cents per annum on each one hundred dollars assessed valuation of taxable property within the district;
- (14) To provide for the collection of taxes and rates or charges for water and water service;
- (15) To sell and distribute water to the inhabitants of the district and to consumers outside the district, delivered within or at the boundaries of the district; **provided that, upon dissolution of any joint municipal utility commission established by the district and any municipality, public water supply district, sewer district, nonprofit water company or nonprofit sewer company, the district may continue to serve those locations and areas previously**

**receiving service from the commission, regardless of whether or not such location receives such service outside the boundaries of such district; and provided further that such locations and areas previously receiving service from the commission are not located within:**

**(a) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;**

**(b) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or**

**(c) The certificated area of a water corporation that is subject to the jurisdiction of the public service commission;**

(16) To fix rates for the sale of water; and

(17) To make general rules and regulations in relation to the management of the affairs of the district."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 33**:

#### SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of



which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

**4. For redevelopment projects proposed on or after July 1, 2001, in any county of the first classification with a charter form of government with a population of at least two hundred twelve thousand but less than two hundred fourteen thousand, prior to a municipality passing an ordinance adopting tax increment allocation financing, approval is required of any taxing district which would be required to make payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project, before the payments in lieu of taxes of that taxing district may be included in tax increment allocation financing. The taxing district may register its approval by adoption of a resolution.**

**5. For redevelopment projects proposed on or after July 1, 2001, in any county of the first classification with a charter form of government with a population of at least two hundred twelve thousand but less than two**

**hundred fourteen thousand, prior to a municipality passing an ordinance adopting tax increment allocation financing, approval is required of any taxing district which would be required to make payment of a portion of additional revenue from taxes imposed by that taxing district which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, before the increased economic activity taxes of that taxing district may be included in tax increment allocation financing. The taxing district shall register its approval by adoption of an ordinance.**

[4.] **6.** Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections [4 to 12] **6 to 14** of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection [8] **10** of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection [10] **12** of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection [10] **12** of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

[5.] **7.** The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

[6.] **8.** No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

[7.] **9.** In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection [10] **12** of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

[8.] **10.** For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection [10] **12** of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

[9.] **11.** Subsection [4] **6** of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

[10.] **12.** The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections [4 and 5] **6 and 7** of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

[11.] **13.** In addition to the areas authorized in subsection [9] **11** of this section, the funding authorized pursuant to subsection [4] **6** of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

[12.] **14.** There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections [4 and 5] **6 and 7** of this section if and only if the conditions of subsection [10] **12** of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

[13.] **15.** All personnel and other costs incurred by the department of economic development for the administration and operation of subsections [4 to 12] **6 to 14** of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection [10] **12** of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 34**:

#### SENATE AMENDMENT NO. 34

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4, by inserting after all of said line the following:

**"135.760. 1. For all taxable years beginning on or after January 1, 2001, a resident individual who is allowed a federal earned income tax credit pursuant to section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to one-half percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer or carried forward into any subsequent taxable year.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the**

**provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists.**

**4. Any tax credit allowed pursuant to this section shall be excluded from the calculation of Missouri adjusted gross income, as defined in section 143.121, RSMo."; and**

Further amend the title and enacting clause accordingly; and

Further amend said bill, Page 1-2, in the Title, last line of Page, by striking all of said lines and inserting in lieu thereof "new section relating to the same subject"; and

Further amend said bill, Page 1, in the Title, Line 3, by striking "sales tax exemptions" and inserting in lieu thereof "taxation"; and

Further amend said bill, Title, Last Line of Page 1 and first two lines Page 2, by striking "tax credit programs administered by the department of economic development" and inserting in lieu thereof the following: "taxation".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 35**:

#### SENATE AMENDMENT NO. 35

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 3, by deleting lines 3 through 10 and place in lieu thereof:

"205.577. 1. There is hereby established the "Family and Community Trust-Childrens Services Commission Oversight Board." The committee shall be comprised of the legislative members of the Childrens Services Commission.".

Senator Bentley moved that the above amendment be adopted.

President Wilson assumed the Chair.

At the request of Senator Bentley, **SA 35** was withdrawn.

Senator Bentley offered **SA 36**:

#### SENATE AMENDMENT NO. 36

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line the following:

**"Section 1. For any project approved and adopted by a political subdivision located within a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, which has complied with subsections 4 to 12 of section 99.845, RSMo, in addition to the payments in subsections 1, 2, 3 and 10 of section 99.845, RSMo, an additional fifty percent of new state revenues may be appropriated by the general assembly in accordance with procedures in subsection 10 of section 99.845, RSMo, provided new sales tax revenues generated by sales inside**

or on the grounds of, or sales of tickets to any event in, or parking associated with a project defined by section 67.639, RSMo, are used solely for the purpose of development and construction of the project including related public infrastructure and the repayment of any indebtedness or other obligations incurred for the project. The determination of declining population or property taxes required by subdivision (1) of subsection 9 of section 99.845, RSMo, shall be based upon decennial census data."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered SA 37:

#### SENATE AMENDMENT NO. 37

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4, by inserting after all of said line the following:

**"135.630. 1. As used in this section, the following terms shall mean:**

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**
- (2) "Director", the director of the department of social services;**
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;**
- (5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**
  - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**
  - (b) Where childbirths are not performed; and**
  - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**
  - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**
  - (e) Which provides its services at no cost; and**
  - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal**

to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.

9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 37** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers offered **SA 38**, which was read:

#### SENATE AMENDMENT NO. 38

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 62, Section 205.573, Line 1, by inserting after the period on said line the following:

**"The provisions of sections 205.571 through 205.577 shall expire on Jan. 1, 2004."**

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 38** was withdrawn.

Senator Johnson assumed the Chair.

Senator Bland offered **SA 39**:

#### SENATE AMENDMENT NO. 39

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 48, Section 135.484, Line 2, by inserting after all of said line the following:

"135.530. For the purposes of sections 100.010, 100.710 and 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460, RSMo, **"distressed community"** means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census

block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of under seventy percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block group or contiguous group of block groups which has a population of at least two thousand five hundred each block group having a median household income of under seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census. **In addition the definition shall include the area bounded on the North by the Missouri River, on the East by Interstate 435, on the South by 80th Street, and on the West by Troost, in a city with a population of at least four hundred thousand and located in more than one county"**; and further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 40**:

#### SENATE AMENDMENT NO. 40

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for



House Bills Nos. 1566 and 1810, Pages 60-64, Sections 205.571-205.575, by deleting all of said sections; and

Further amend said bill, page 64, section 205.577, lines 4 and 5 of said page, by deleting the words "Family and Community Trust" on said lines and inserting in lieu thereof the words "Caring Communities-Children's Services Commission Oversight Board"; and

Further amend said bill, page and section, lines 4-10, by deleting all of said lines after the "." on line 4; and

Further amend said bill, page and section, line 12, by deleting the words "family and community trust" and inserting in lieu thereof the words "caring communities".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 41**:

#### SENATE AMENDMENT NO. 41

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5 of said page, by inserting immediately after said line the following:

**"Section 1. The state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, when generated by sales inside, on the grounds of, or for tickets to any event in any:**

**(1) Sports complex located in any county of the first classification with a charter form of government and having a population of more than six hundred thousand but less than nine hundred thousand inhabitants, provided that such complex is under the jurisdiction of any sports complex authority created pursuant to sections 64.920 to 64.950, RSMo, shall, subject to appropriations, be placed in the convention and sports complex fund established pursuant to section 67.639, RSMo; or**

**(2) Multi-purpose facility located in and owned by any constitutional charter city not within a county for so long as said multi-purpose facility is owned by said constitutional charter city not within a county, shall, subject to appropriation, be placed in a specially designated account established by the collector of revenue of said constitutional charter city not within a county which account shall not, the provisions of section 33.080, RSMo, to the contrary notwithstanding, be transferred and placed to the credit of the general revenue fund at the end of each biennium, for the sole purpose of maintenance and refurbishment of such complex or facility respectively, including the repayment of any indebtedness or other obligations incurred for maintenance and refurbishment. Such moneys shall, where applicable, be in addition to any amount appropriated pursuant to section 67.641, RSMo, to any convention and sports complex fund created pursuant to section 67.639, RSMo.";**  
and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 42**:

#### SENATE AMENDMENT NO. 42

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

**"Section 1. Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking.";** and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 43**:

#### SENATE AMENDMENT NO. 43

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6 of said page, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the

municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be

submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; [or]

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand; or

**(3) Contains the site of a county convention and sports facilities authority established pursuant to sections 67.1150 to 67.1158, RSMo.**

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

- (e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;
- (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and
- (g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;
- (3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;
- (4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.
11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.
12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.
13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Bland offered **SA 44**:

#### SENATE AMENDMENT NO. 44

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"92.336. The revenues received from the tax authorized under sections 92.325 to 92.340 shall be used exclusively for the advertising and promotion of convention and tourism business for the city from which it is collected, subject to the following requirements:

(1) Not less than forty percent of the proceeds of any tax imposed pursuant to subdivision (1) of section 92.327 shall be appropriated and paid to a general not for profit organization, with whom the city has contracted, and which is incorporated in the state of Missouri and located within the city limits of such city, established for the purpose of promoting such city as a convention, visitors and tourist center with the balance to be used for operating expenses and capital expenditures, including debt service, for sports, convention, exhibition, trade and tourism facilities located within the city limits of the city;

(2) Not less than ten percent of the proceeds of any tax imposed pursuant to subdivision (1) of section 92.327 shall be appropriated to a fund that hereby shall be established and called the "Neighborhood Tourist Development Fund". Such moneys from said funds shall be paid to not for profit neighborhood organizations with whom the city has contracted, and which are incorporated in the state of Missouri and located within the city limits of such city established for the purpose of promoting such neighborhood through cultural, social, ethnic, historic, educational, and recreational activities in conjunction with promoting such city as a convention, visitors and tourist center, **and which shall use the funds at its discretion. The city shall provide assistance to such neighborhood organizations regarding accounting and use of such funds, when so requested.;**

(3) The proceeds of any tax imposed pursuant to subdivision (2) of section 92.327 shall be used by the city only for capital expenditures, including debt service, for sports, convention, exhibition, trade and tourism facilities located within the city limits of the city."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion failed.

Senator Wiggins offered **SA 45**:

#### SENATE AMENDMENT NO. 45

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.766, Line 16, by inserting after all of said line the following:

"144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo[,]:

(a) All sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if

such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year **and, except as provided in subsection 4 of Section 155.080, shall be exempt from taxation on the first one million dollars of sales tax or purchases other than aviation jet fuel; and**

**(b) Any common carrier engaged in the interstate air transportation of passengers and cargo which has a national corporate headquarters located in this state and uses as a hub for its operations an airport located within this state, and either purchases, stores, uses or consumes within this state less than three million gallons of aviation jet fuel per month on average throughout the calendar year shall, except as provided in subsection 4 of section 155.080, be exempt from taxation on the first one hundred fifty thousand dollars on the purchase of aviation jet fuel.**

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable [to the aviation jet fuel so purchased, stored, used and consumed]. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year, **or up to the maximum aggregate amount of one hundred fifty thousand dollars in each calendar year, whichever is applicable.** The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. [Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.

5.] The provisions of this section and section 144.807 shall expire on December 31, [2003] **2004.**

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per gallon. Such tax is to be collected and remitted to this state or paid to this state in the same manner and method and at the same time as is prescribed by chapter 142, RSMo, for the collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor vehicles upon the public highways of Missouri.

2. All applicable provisions contained in chapter 142, RSMo, governing administration, collection and enforcement of the state motor fuel tax shall apply to this section, including but not limited to reporting, penalties and interest.

3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails to apply for a refund as provided in chapter 142, RSMo, he makes a gift of his refund to the aviation trust fund.

**4. Effective from September 1, 1998 until December 31, 2008, all sales and use tax revenues upon aviation jet fuel received pursuant to chapter 144, RSMo, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, RSMo, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not be less than that credited**

**in fiscal year 2001 and shall not exceed six million dollars in each calendar year.**

305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to [eighty] **ninety** percent state/[twenty] **ten** percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation



related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the state commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education;

(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the Department of Defense, except no more than one hundred twenty-five thousand dollars per year may be used for any individual control tower.

5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri department of transportation. For projects designated as emergencies by the Missouri department of transportation, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 46**, which was read:

#### SENATE AMENDMENT NO. 46

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 17, by inserting after the period on said line the following: "**The provisions of sections 205.571 through 205.577 shall expire on Jan. 1, 2004.**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 47**:

#### SENATE AMENDMENT NO. 47

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line the

following:

**"Section 1. For every corporation who shall enter into a transaction for the sale of land to the institution referred to in section 174.600, RSMo, such corporation shall be entitled to an income tax credit equal to fifty percent of the amount the purchase price of such land is less than the assessed value of such land operating as an institution defined in subsection 2 of section 197.020, RSMo.";** and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, be adopted, which motion prevailed.

Senator Scott was recognized to close on the 3rd reading of the bill.

President Pro Tem Quick referred **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, to the Committee on State Budget Control.

### REPORTS OF STANDING COMMITTEES

On behalf of Senator Mathewson, Chairman of the Committee on State Budget Control, Senator Quick submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HS** for **HCS** for **HB 1076**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### HOUSE BILLS ON THIRD READING

Senator Stoll moved that **SCS** for **HS** for **HCS** for **HB 1076**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Stoll, **SCS** for **HS** for **HCS** for **HB 1076**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

#### NAYS--Senators

Schneider      Singleton--2

Absent--Senators--None

Absent with leave--Senator Mathewson--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Schneider Singleton--2

Absent--Senators--None

Absent with leave--Senator Mathewson--1

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 813**, as amended: Representatives Kissell, Britt, McLuckie, Dolan and Barnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 1053**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 2** to **SJR 50** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HCS** for **SB 944**, as amended and has taken up and passed **CCS No. 2** for **HCS** for **SB 944**, as amended by the **CCA 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SJR 50**, as amended: Representatives Scheve, O'Toole, Foley, Surface and Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 1053**, as amended: Representatives Days, Backer, Gunn, Ross and Tudor.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SJR 50**, as amended: Senators Stoll, Jacob, Maxwell, Mueller and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 1053**, as amended: Senators Goode, Clay, Wiggins, Flotron and Bentley.

### HOUSE BILLS ON THIRD READING

**HS** for **HB 1238**, with **SCS**, entitled:

An Act to repeal sections 141.220, 141.540 and 141.610, RSMo 1994, sections 67.410 and 139.053, RSMo Supp. 1999, and both versions of section 141.550 as it appears in RSMo Supp. 1999, relating to property ownership, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Quick.

**SCS** for **HS** for **HB 1238**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR

### HOUSE SUBSTITUTE FOR

### HOUSE BILL NO. 1238

An Act to repeal sections 64.342, 67.1062, 67.1063, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1461, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as it appears in RSMo Supp. 1999, relating to the use and improvement of property, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Quick moved that **SCS** for **HS** for **HB 1238** be adopted.

Senator Quick offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 28, Section 141.220, Line 4, by striking the words "an independent" and inserting in lieu thereof the words "**a state licensed or certified**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 31, Section 141.540, Line 43, by striking "19" and inserting in lieu thereof "**20**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Pages 20 to 24, Section 67.1461, Lines 1 to 141, by deleting all of said section and inserting in lieu thereof the following:

"67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not for profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

[(a)] **a. Registered voters; or**

[(b)] **b. If no registered voters reside in the district, the [owner] owners of one or more parcels of real property [per capita] which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property] as of the thirtieth day prior to the date of the applicable election; [and]**

**(b) For purposes of elections for approval of business license taxes or sales taxes:**

**a. Registered voters; or**

**b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and**

(c) For purposes of the election of directors of the board, registered voters and owners of real property **which is not exempt from assessment or levy of taxes by the district and which is located** within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property as] of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise or otherwise, any real property within its boundaries, personal property or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

**(10) If the district is a political subdivision in a city with a population of at least four hundred thousand located in more than one county, to levy sales taxes pursuant to sections 67.1401 to 67.1571;**

**(11)** To fix, charge and collect fees, rents and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

[(11)] **(12)** To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

[(12)] **(13)** To loan money as provided in sections 67.1401 to 67.1571;

[(13)] **(14)** To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

[(14)] **(15)** To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

[(15)] **(16)** Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements;

(e) Parking lots, garages or other facilities;

(f) Lakes, dams and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms and kiosks;

(i) Paintings, murals, display cases, sculptures and fountains;

(j) Music, news and child-care facilities; and

(k) Any other useful, necessary or desired improvement;

[(16)] **(17)** To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks and other real property and improvements located within its boundaries for public use;

[(17)] **(18)** Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks and tunnels and to provide the means for access by emergency vehicles to or in such areas;

[(18)] **(19)** Within its boundaries, to operate or to contract for the provision of music, news, child-care or parking facilities, and buses, minibuses or other modes of transportation;

[(19)] **(20)** Within its boundaries, to lease space for sidewalk café tables and chairs;

[(20)] **(21)** Within its boundaries, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons;

[(21)] **(22)** Within its boundaries, to provide or contract for cleaning, maintenance and other services to public and private property;

[(22)] **(23)** To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

[(23)] **(24)** To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

[(24)] **(25)** To provide or support training programs for employees of businesses within the district;

[(25)] **(26)** To provide refuse collection and disposal services within the district;

[(26)] **(27)** To contract for or conduct economic, planning, marketing or other studies; and

[(27)] **(28)** To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.



3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

**67.1545. 1. Any district in a city with a population of at least four hundred thousand located in more than one county may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.**

**2. The ballot shall be substantially in the following form:**

**Shall the ..... (insert name of district) Community Improvement District impose a community improvement district-wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?**

**[ ] YES [ ] NO**

**If you are in favor of the question, place an "X" in the box opposite of "Yes". If you are opposed to the question, place an "X" in the box opposite "No".**

**3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.**

**4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.**

**5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.**

**6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may**

establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

**7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.**

**8. All revenue received by the district from a sales and use tax imposed pursuant to this section which are designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.**

**9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district."; and**

Further amend the title, enacting clause and intersectional references accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 82.300, Line 27, by inserting after all of said line the following:

**"82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

**2. The registration form shall be developed by the governing body of such city and shall contain:**

**(1) The name, personal address, business address and telephone numbers of the landlord;**

**(2) The address of each property located in the city that is owned and leased by the landlord;**

**(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; and**

**(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.**

**3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.**

**4. This section shall be of no force and effect on or after January 1, 2006.";** and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 3, Section 64.342, Line 18, by inserting after said line the following:

**"4. The provisions of this section extending authority to counties concerning marinas shall not apply to any privately operated marina in operation on the effective date of this section."**

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 44, Section 260.210, Line 102, by inserting immediately after said line the following:

**"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due; except when electronic personal property tax data has been provided to the department of revenue, and the department of revenue verifies that personal property taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid said personal property taxes. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years. Every county and**

**township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector**

to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy

vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]"'; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section 353.020, Line 49, by adding an additional section thereto as follows:

**"Section 1. All corrective action plans approved by the department pursuant to chapter 260 shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within 90 days that the corrective action plan has been complied with and completed. The department shall issue a letter within 30 business days to the owners or operators certifying the completion and compliance.";** and

Further amend said title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 92.031, Line 19, by inserting after all of said line the following:

"99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to

the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments;

**(8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within one hundred and eighty days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment**



**thereto.**

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 1, In the Title, Line 7, by inserting immediately after the word "sections" the following: "and an effective date for certain sections"; and

Further amend said bill, page 1, Section A, line 9, by inserting immediately after said line the following:

"50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the recorder, except as provided pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, 1997.

#### Assessed Valuation Salary

\$ 8,000,000 to 40,999,999 \$29,000

41,000,000 to 53,999,999 30,000

54,000,000 to 65,999,999 32,000

66,000,000 to 85,999,999 34,000

86,000,000 to 99,999,999 36,000

100,000,000 to 130,999,999 38,000

131,000,000 to 159,999,999 40,000

160,000,000 to 189,999,999 41,000

190,000,000 to 249,999,999 41,500

250,000,000 to 299,999,999 43,000

300,000,000 or more 45,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.

**59.005. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:**

- (1) "Document" or "instrument", any writing or drawing presented to the recorder of deeds for recording;**
- (2) "File", "filed" or "filing", the act of delivering or transmitting a document to the recorder of deeds for recording into the official public record;**
- (3) "Grantor" or "grantee", the names of the parties involved in the transaction used to create the recording index;**
- (4) "Legal description", shall include, but not be limited to, the reference to the lot or parts thereof, block, plat or replat number, plat book and page and the name of any recorded plat; or if the property has not been platted, the acreage, if applicable, the quarter/quarter section, and the section, township and range of property. The address of the property shall not be accepted as an abbreviated legal description;**
- (5) "Legible", all text, seals, drawings, signatures or other content within the document must be capable of producing a clear and readable image from record, regardless of the process used for recording;**
- (6) "Page", any writing, printing or drawing printed on one side only covering all or part of the page, not larger than eight and one-half inches in width and eleven inches in height other than a plat or survey; for a drawing or calculations of a plat or survey covering all or part of one side, not larger than thirty-six inches in width and twenty-four inches in height;**
- (7) "Record", "recorded" or "recording", the recording of a the document into the official public record, regardless of the process used;**
- (8) "Recorder of deeds", the separate recorder of deeds in those counties where separate from the circuit clerk and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.**

[59.310. 1. As used in this section, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat, not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 inches x 24 inches, with the following conditions:

- (1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;**
- (2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy**

thereof which will be recorded contemporaneously with the document;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath said signature.

3. Recorders shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: \$5.00 for the first page and \$3.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument except surveys or plats: a fee not to exceed \$2.00 for the first page and \$1.00 for every page thereafter;

(3) For every certificate and seal, except when recording an instrument: \$1.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: \$25.00 for each page of drawings and calculations plus \$5.00 for each page of other material;

(5) For recording a survey of one tract of land, in the form of one page: \$5.00 per page;

(6) For copying a plat or survey: a fee not to exceed \$5.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: \$2.00. The only additional fee over and above this is the \$1.00 state user fee on all documents that convey real estate, and a 25-cent fee for identifying each note to an instrument when a document is recorded that creates a lien against the real estate.]

**59.310. 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:**

**(1) The document shall consist of one or more individual pages printed only on one side, except that forms which are preprinted may be printed on two sides, and not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as required or permitted by law or as necessary to comply with other statutory requirements; a label that is firmly attached with a bar code or return address may be accepted for recording;**

**(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

**(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

**(4) The document shall be on white paper or light colored paper of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys which may be on materials such as mylar or**

**velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;**

**(5) All signatures on a document shall be in black, blue or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document, except where provided for by law;**

**(6) The document shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.**

**2. (1) Every document presented for recording except plats and surveys shall have the following information on the first page below the three-inch horizontal line:**

**(a) Title of the document;**

**(b) Date of the document;**

**(c) All grantors names;**

**(d) All grantees names; and**

**(e) Legal description of the property or contain a reference to the page number or exhibit where the legal description is set out in the document; or**

**(2) If there is not sufficient room on the first page for all the required information, it may be placed on the subsequent page or pages in sequential order.**

**3. For a period of three years from July 1, 2001, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars which shall be deposited in the recorders fund established pursuant to subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a document which does not meet the requirements set out in this section.**

**4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:**

**(1) Documents which were signed prior to July 1, 2001;**

**(2) Military separation papers;**

**(3) Documents executed outside the United States;**

**(4) Certified copies of documents, including birth and death certificates;**

**(5) Any document where one of the original parties is deceased or otherwise incapacitated; and**

**(6) Judgments or other documents formatted to meet court requirements.**

**5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.**

**6. Recorders of deeds shall be allowed fees for their services as follows:**

- (1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;**
- (2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;**
- (3) For every certificate and seal, except when recording an instrument: one dollar;**
- (4) For recording a plat or survey of a subdivision, outlots or condominiums: twenty-five dollars for each sheet of drawings and calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. For recording a survey of one or more tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by twenty-four inches or fraction thereof plus five dollars for each page of other materials;**
- (5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for each page of drawings and calculations not larger than twenty-four inches in width and eighteen inches in height and one dollar for each page of other material;**
- (6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply, however, the recorder may require individual documents due to recording processes;**
- (7) For every certified copy of a marriage license or application for a marriage license: two dollars; and**
- (8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee. For all other personnel services, use of equipment and use of office facilities, the recorder of deeds shall set a reasonable fee.**

[59.313. 1. As used in this section for recording in the office of the recorder of deeds of any city not within a county, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 x 24 inches, with the following conditions:

- (1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;
- (2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document. Such additional documents shall be recorded at the same cost as an original;
- (3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;
- (4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath the signature.

3. The recorder of deeds in any city not within a county shall be allowed fees for his services as follows:

- (1) For recording every deed or instrument: \$10.00 for the first page and \$5.00 for each page thereafter;
- (2) For copying or reproducing any recorded instrument, except surveys and plats: \$3.00 for the first page and \$2.00 for each page thereafter;
- (3) For every certificate and seal, except when recording an instrument: \$2.00;
- (4) For recording a plat or survey of a subdivision, outlots or condominiums: \$44.00 for each page of drawings and calculations plus \$10.00 for each page of other materials;
- (5) For recording a survey of one tract of land, in the form of one page: \$8.00;
- (6) For copying a plat or survey: \$8.00 for each page;
- (7) For every certified copy of a marriage license or application for a marriage license: \$5.00;
- (8) For releasing on the margin: \$8.00 for each item released;
- (9) For a document which releases or assigns more than one item: \$7.50 for each item beyond one released or assigned in addition to any other charges which may apply; and
- (10) For duplicate reels of microfilm: \$30.00 each. For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.]

**59.313. 1. The recorder of deeds in a city not within a county may refuse any document presented for recording that does not meet the following requirements:**

- (1) The document shall consist of one or more individual pages printed only on one side not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as required or permitted by law or as necessary to comply with other statutory requirements; a label that is firmly attached with a bar code or return address may be accepted for recording;**
- (2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**
- (3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**
- (4) The document shall be on white or light colored paper of not less than twenty-pound weight without watermarks or other visible inclusions except for plats and surveys which may be on materials such as mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;**
- (5) All signatures on a document shall be in black, blue or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document, except where provided for by law;**
- (6) The document shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins on the**

document shall be a minimum of three-fourths inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

**2. (1) Every document presented for recording except plats and surveys shall have the following information on the first page below the three-inch horizontal line:**

- (a) Title of the document;**
- (b) Date of the document;**
- (c) All grantors names;**
- (d) All grantees names; and**
- (e) Legal description of the property or contain a reference to the page number or exhibit where the legal description is set out in the document; or**

**(2) If there is not sufficient room on the first page for all the required information, it may be placed on the subsequent page or pages in sequential order.**

**3. For a period of three years from July 1, 2001, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars which shall be deposited in the recorders fund established pursuant to subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a document which does not meet the requirements set out in this section.**

**4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:**

- (1) Documents which were signed prior to January 1, 2001;**
- (2) Military separation papers;**
- (3) Documents executed outside the United States;**
- (4) Certified copies of documents, including birth and death certificates;**
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and**
- (6) Judgments or other documents formatted to meet court requirements.**

**5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.**

**6. Recorder of deeds shall be allowed fees for their services as follows:**

- (1) For recording every deed or instrument: ten dollars for the first page and five dollars for each page thereafter;**
- (2) For copying or reproducing any recorded instrument, except surveys and plats: three dollars for the first page and two dollars for each page thereafter;**
- (3) For every certificate and seal, except when recording an instrument: two dollars;**

- (4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four dollars for each page of drawings and calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height, plus ten dollars for each page of other materials;
- (5) For recording a survey of one tract of land, in the form of one sheet not to exceed twenty-four inches in width by eighteen inches in height: eight dollars;
- (6) For copying a plat or survey: eight dollars for each page;
- (7) For every certified copy of a marriage license or application for a marriage license: five dollars;
- (8) For releasing on the margin: eight dollars for each item released;
- (9) For a document which releases or assigns more than one item: seven dollars and fifty cents for each item beyond one released or assigned in addition to any other charges which may apply; and
- (10) For duplicate reels of microfilm: thirty dollars each.

**For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.";** and

Further amend said bill, page 45, section B, line 9, by inserting immediately after said line the following:

"Section C. The enactment of section 59.005 and the repeal and reenactment of sections 59.310 and 59.313 shall become effective January 1, 2001."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 100.331, Line 14, by inserting immediately after said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

- (1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;
- (2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;
- (3) "Community development corporation", [a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **a not-for-profit corporation whose board of directors is composed of business, civic and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial and civic development or redevelopment of a community or area, including the provision of housing and community economic development projects that benefit low-income individuals and communities;**



- (4) "Department", the Missouri department of economic development;
- (5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;
- (6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;
- (7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;
- (8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;
- (9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;
- (10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;
- (11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;
- (12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions[;
- (13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval]."; and

Further amend said bill, page 25, Section 100.331, line 14, by inserting after said line the following:

"135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment [into a

targeted area as defined in section 135.400]. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed thirteen million dollars and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four million dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment [into a targeted area] shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. [The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed nineteen million dollars. Six million] **Five hundred thousand** dollars in tax credits shall be available **annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo,** as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.

135.408. A qualified investment in a Missouri small business may be made either through an unsecured loan or the purchase of equity or unsecured debt securities of such business. Investors in a small business qualifying for tax credits [under] **pursuant to** the provisions of sections 135.400 to 135.430, however, must collectively own less than fifty percent of a business after their investments are made. Qualified investments in a Missouri small business must be expended for capital improvements, plant, equipment, research and development, or working capital for the business or such business activity as may be approved by the department.

[135.430. The department of social services shall promulgate such rules and regulations, pursuant to chapter 536, RSMo, and section 660.017, RSMo, as are necessary to define and certify target areas as defined in section 135.400. The department of economic development shall promulgate such rules and regulations, pursuant to chapter 536, RSMo, and subsection 20 of section 620.010, RSMo, as are necessary to implement the provisions of sections 135.400 to 135.440 after a target area has been defined and certified by the department of social services.]; and

Further amend said bill, Page 27, Section 135.481, Line 41, by inserting after all of said line the following:

"[135.766. An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.]; and

Further amend said bill, Page 45, Section 353.020, Line 49, by inserting after all of said line the following:

"620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses"

has the same meaning as prescribed in 26 U.S.C. 41.

**2. For tax years beginning on or after January 1, [1994] 2001, the director of the department of economic development may authorize a taxpayer [may be allowed] to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo[, if approved by the director of the department of economic development,] in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years[; except that], plus for a taxpayer which has a total of at least one hundred fifty employees but no more than five hundred employees, an amount up to the proportion of such qualified research expenses incurred at facilities with employees working in distressed communities as defined in section 135.530, RSMo, multiplied by an additional six and one-half percent for a maximum of thirteen percent if all such qualified research expenses were incurred at facilities in distressed communities. Notwithstanding any provisions of law to the contrary:**

**(1) The director may authorize a taxpayer which has a total of fewer than one hundred fifty employees, and which is located in a distressed community as defined in section 135.530, RSMo, to receive a tax credit pursuant to this subsection in an amount up to the greater of:**

**(a) Thirty percent of the excess of the taxpayer's qualified research expenses incurred within this state during the taxable year over the average of the taxpayer's qualified research expenses for the immediately preceding three taxable years or fewer if the taxpayer has been in existence less than four years; or**

**(b) Twenty percent of the taxpayer's qualified research expenses for the taxable year; and**

**(2) No tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years except that a taxpayer that has been in existence for three years shall be limited to two hundred percent of the average expenses incurred during the immediately preceding two taxable years, a taxpayer that has been in existence for two years shall be limited to two hundred percent of the expenses incurred during the immediately preceding taxable year, and a taxpayer that has been in existence for one year shall not be so limited. [In order to receive a tax credit pursuant to this section, certification by the director of the department of economic development shall be required as proof that the taxpayer made qualified research expenses during the taxable year.]**

**3. The director of economic development shall prescribe the manner in which the tax credit may be [claimed] applied for. The tax credit [allowed] authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for [claiming] tax credits [allowed in] authorized by the director pursuant to subsection 2 of this section shall be made [in] no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.**

**4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer, and the state university. Failure to expend such funds in the manner prescribed pursuant to this**

**section shall cause the applicant to be subject to the provisions of section 620.017.**

**5.** No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[4.] **6.** The aggregate of all tax credits authorized pursuant to this section shall not exceed [ten] **nine million seven hundred thousand** dollars in any taxable year. **No more than twenty-five percent of all tax credits allowed annually pursuant to this section shall be issued for qualified research expenses at facilities with employees working in distressed communities as defined in section 135.530, RSMo. This amount for taxpayers in distressed communities shall in no way restrict the ability of taxpayers in such communities from qualifying for a credit up to six and one-half percent as otherwise authorized by this section.**"; and

Further amend title, enacting clause and intersectional references accordingly.

Senator House moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 10** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich offered **SA 11**:

#### SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 141, by inserting immediately after said line the following:

"72.424. Notwithstanding any other provisions of sections 72.400 to [72.422] **72.423**, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being [of the third classification] **a constitutional charter city** with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, [1999] **2000**. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, [2000] **2001**."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Pages 25 to 27, Section 135.481, Lines 1 to 41, by deleting all of said section and inserting in lieu thereof the following:

"135.481. 1. **(1)** Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, **or for a multiple unit condominium described in subdivision (2) of this subsection**, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

**(2) Notwithstanding any other provision of this chapter to the contrary, with the approval of the governing body of a city with a population of over four hundred thousand located in more than one county, any taxpayer who incurs eligible costs for construction of a multiple unit condominium intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, shall receive a credit equal to one hundred percent of demolition costs associated with development of such new residence, if the total project is under way by January 1, 2000.**

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property."; and

Further amend said title, enacting clause and intersectional references accordingly

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section 353.020, Line 45, by inserting after said line the following:

"Section 1. Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 14**, which was read:

#### SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section B, Line 1, by inserting before said line the following:

**"Section 1. The provisions of 82.1050 RSMo shall only apply to landlords operating rental properties including five or more rental units.";** and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 15**:

#### SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 41, by inserting immediately after said line the following:

**"67.1850. 1. As used in this section, the following terms mean:**

**(1) "Community", any municipality or county as defined in this section;**

**(2) "County", any county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants;**

**(3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:**

**(a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;**

**(b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;**

**(4) "Municipality", any city with a population of one hundred forty thousand or more inhabitants.**

**2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person**

could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

**3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community.**

**4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.**

**5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The cost of licensing a geographical information system may reflect the:**

- (1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system;**
- (2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system; and**
- (3) Value of the commercial purpose, if any, for which the information in a geographical information system or a geographical information system is to be used.**

**6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.**

**7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.**

[82.1035. 1. As used in this section, the following terms mean:

- (1) "Community", any municipality as defined in this section;**
- (2) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:**
  - (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;**
  - (b) Transforms such information and data into intelligence and subsequently;**

(c) Retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;

(3) "Municipality", any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county.

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The cost of licensing a geographical information system may reflect the:

(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system;

(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system; and

(3) Value of the commercial purpose, if any, for which the information in a geographical information system or a geographical information system is to be used.

6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.]; and

Further amend the title and enacting clause accordingly.



Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 16**:

#### SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 27, Section 135.481, Line 41, by inserting after said line the following:

**"137.721. Notwithstanding the provisions of section 137.720, in all counties which become counties of the first classification after September 1, 2000, one percent of all ad valorem taxes allocable to the county and each taxing authority within the county shall continue to be deducted from taxes collected on the first five hundred million dollars of assessed valuation, and one-half percent collected on the remainder, and deposited in the assessment fund. The one-percent fee shall be assigned among the political subdivisions by the assessor, who shall determine the percentage of total valuation in the county divided into five hundred million dollars. The collector shall retain one percent of that percentage of each political subdivision's property taxes, and one-half percent of the remainder, for the assessment fund.";** and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 16** is out of order as it adds a new subject matter to the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Caskey offered **SA 17**:

#### SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 141, by adding after all of said line the following:

**"71.014. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand,] six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed.";** and

Further amend the title and enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 18**:

#### SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 41, Section 260.210, Line 1, by inserting immediately before said line the following:

**"210.860. 1. The governing body of any county or city not within a county may, after voter approval pursuant to this section, levy a sales tax not to exceed [twenty-five cents on each one hundred dollars of assessed valuation on taxable property] one-quarter of a cent in the county for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less. The question shall be submitted to the qualified voters of the county or city not within a county at a county or state general, primary or special election upon the motion of the**

governing body of the county or city not within a county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county or city not within a county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city not within a county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall ..... County (City) be authorized to levy a **sales** tax of [..... cents on each one hundred dollars of assessed valuation on taxable property in the county (city) for the purpose of establishing a community children's services fund for purposes of providing funds for counseling and related services to children and youth in the county (city) eighteen years of age or less and services which will promote healthy lifestyles among children and youth and strengthen families] **one-quarter of a cent in the county (city) for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well being and safety of children and youth eighteen years of age or less and to strengthen families?**

{ } YES { } NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county or city not within a county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 18** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 18** was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 19**:

#### SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 135.355, Line 19, by adding after line 19 the following:

"135.355. 1. The owner of a qualified Missouri project eligible for the Missouri low-income housing tax credit shall submit, at the time of filing the owner's return, an eligibility statement. In the case of failure to attach the eligibility statement, no credit under this section shall be allowed with respect to such project for that year until these copies are provided to the department of revenue.

2. If under section 42 of the 1986 Internal Revenue Code, as amended, a portion of any federal low-income housing credits taken on a low-income project is required to be recaptured **only during the first ten years after a project is placed in service**, the taxpayer claiming state credits with respect to such project shall also be required to recapture a portion of any state credits authorized by this section. The state recapture amount shall be equal to the proportion of

the state credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal low-income housing credit amount subject to recapture."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 20**:

#### SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Substitute for House Bill 1238, Page 25, Section 92.031, Line 19, by inserting after all of said line the following:

**"99.053. 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

- (1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or**
- (2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.**

**2. The provisions of this section shall not apply to those housing authorities:**

- (1) Located within a city not within a county;**
- (2) Located within a city with a population of over four hundred thousand inhabitants;**
- (3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner."; and**

Further amend said title, enacting clause and intersectional references accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 21**:

#### SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Substitute for House Bill 1238, Page 41, Section 144.759, Line 21, by inserting immediately after said line the following:

**"249.470. 1. The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, except that whenever the commission of a county of the first classification without a charter form of government deems that a countywide wastewater treatment authority would best serve the needs of such county, the commission may establish a countywide sewer district which shall be subject to the provisions of sections 249.430 to 249.660. The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, except as otherwise provided in this section, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer.**

2. For each countywide wastewater treatment authority established pursuant to this section, the county commission of such county shall, by resolution, order, or ordinance, appoint five trustees, all of whom shall reside within the county. In the event there is more than one district within the county organized pursuant to this chapter, no less number of the trustees so appointed shall reside within the district having the greatest number of customers than reside in any other such district in the county. The trustees, whose terms shall begin on the date the authority is established, shall be responsible for the control and operation of the countywide wastewater treatment authority and shall have the same powers and duties as the county commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county commission. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 22:

#### SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 1, Section In the Title, Lines 5-6, by striking "the use and improvement of" and inserting in lieu thereof the following: "tax credit and other programs benefiting certain persons and; "and

Further amend said bill, Page 27, Section 135.481, Line 41, by inserting immediately after said line the following:

"135.545. [A] **The director of the department of economic development may authorize a taxpayer [shall be allowed] to receive a credit for taxes paid pursuant to chapter 143, 147 or 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, in an amount equal to up to fifty percent of a contribution to qualified [investment in] transportation development [for] projects, which can include aviation, mass transportation, including parking facilities for users of mass transportation, railroads, ports, including parking facilities and limited access roads within ports, waterborne transportation, bicycle and pedestrian paths, or rolling stock located in a distressed community as defined in section 135.530, and which are part of a development plan approved by the appropriate local agency. General purpose streets and roads are not eligible transportation development projects under this program.** If the department of economic development determines [the investment has been so approved] **that a project is eligible under this section,** the department [shall] **may grant [the] tax [credit in order of date received] credits to qualified taxpayers contributing to eligible projects. Not-for-profit entities, public entities or the public at large shall be the beneficiaries of projects under this program. Not-for-profit entities, including but not limited to, corporations organized pursuant to chapter 355, RSMo, shall be ineligible to be direct recipients of the tax credits authorized pursuant to this section.** A taxpayer may carry forward any unused tax credit for up to [ten] **five** years and may carry it back for the previous three years until such credit has been fully claimed. Certificates of tax credit issued in accordance with this section may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department of economic development** which names the transferee **and the amount of tax credits transferred.** The tax credits allowed pursuant to this section shall be for an amount of no more than [ten] **eight** million dollars for each year. [This credit shall apply to returns filed for all taxable years beginning on or after January 1, 1999.] Any unused portion of the tax credit authorized pursuant to this section shall be available for use in the future by those entities until fully claimed.

**135.630. 1. As used in this section, the following terms shall mean:**

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;

- (2) "Director", the director of the department of social services;**
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;**
- (5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**
  - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**
  - (b) Where childbirths are not performed; and**
  - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**
  - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**
  - (e) Which provides its services at no cost; and**
  - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.**
- 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.**
- 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**
- 4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.**
- 5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.**
- 6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as**

an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.

9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 22 is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Quick moved that SCS for HS for HB 1238, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, SCS for HS for HB 1238, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Maxwell	Mueller	Quick	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Goode	Howard	Rohrbach	Schneider--4
Absent--Senator Sims-- 1			
Absent with leave--Senator Mathewson-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Clay	DePasco	Ehlmann	Flotron
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Maxwell
Mueller	Quick	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Goode	Howard	Rohrbach--3
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Absent--Senators

Childers	Schneider	Sims--3
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Absent with leave--Senator Mathewson--1

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## RESOLUTIONS

Senator Graves offered Senate Resolution No. 1815, regarding Marylyn Wilcox, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1816, regarding Patricia Peterson, Shenandoah, Iowa, which was adopted.

Senator Graves offered Senate Resolution No. 1817, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenwood Junior Arbuckle, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn Fuhrman, La Mesa, California, which was adopted.

Senator Graves offered Senate Resolution No. 1819, regarding Abbie Turner, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1820, regarding the Fiftieth Wedding Anniversary of Colonel and Mrs. David Bryant King, II, Maitland, which was adopted.

Senator Kenney offered Senate Resolution No. 1821, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Mahaffy, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elden Twente, Independence, which was adopted.

Senator Wiggins offered Senate Resolution No. 1823, regarding the death of Timothy Thomas Ryan, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1824, regarding the death of Francis E. "Red" Waters, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1825, regarding the death of Glen L. Whitaker, Kansas City, which was adopted.

Senator Carter offered Senate Resolution No. 1826, regarding the Honorable Maxine Waters, Los Angeles, California,

which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Clay introduced to the Senate, the Physician of the Day, Dr. John Seidenfeld, M.D. and his wife, St. Louis.

Senator Childers introduced to the Senate, Martha Degraffenreid, Paula Holtzman, Becky

Ryder and sixty-five fourth grade students from Cassville School, Cassville.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, May 11, 2000.

## **SENATE CALENDAR**

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SEVENTY-SECOND DAY-THURSDAY, MAY 11, 2000

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## **FORMAL CALENDAR**

## **SENATE BILLS FOR PERFECTION**

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &

671-Mathewson, with SCS

## **HOUSE BILLS ON THIRD READING**

1. HS for HCS for HBs

1652 & 1433-Hoppe,

with SCAs 1, 2, 3,



4, 5 & 6 (Caskey)

(In Budget Control)

2. HS for HCS for

HB 1797-Gratz,

with SCA 1 (Goode)

3. HS for HCS for HBs

1172, 1501, 1633,

1440, 1634, 1177 &

1430-Davis (122nd),

with SCS (Howard)

4. HS for HCS for HB

1762-Williams (159th),

with SCS (Caskey)

5. HCS for HB 1144, with

SCS (Johnson)

6. HJR 43-Barry, et al (House)

7. HS for HCS for HB

1481-Smith (Maxwell)

8. HCS for HB 1644, with

SCS (Scott)

9. HS for HCS for HBs

1215 & 1240-Smith,

with SCS (Caskey)

10. HB 1768-Ward, with

SCS (Staples)

11. HB 1326-Mays (50th),

with SCAs 1 & 2

(Goode)

12. HS for HB 1728-Backer,

with SCS (Flotron)

(In Budget Control)

13. HS for HCS for HBs

1489, 1488 & 1650-

Kennedy, with SCS

(Maxwell) (In Budget Control)

14. HS for HCS for

HB 1305-Rizzo,

with SCS (DePasco)

(In Budget Control)

15. HS for HCS for

HB 1254-Kissell,

with SCS (Caskey)

16. HB 1499 & HB 1579-

Hoppe, with SCS (Scott)

17. HB 1946-Dougherty

(Maxwell) INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)

SBs 584, 539, 630, 777,

796, 918 & 927-Bentley,

with SCS & SS for SCS

(pending)

SBs 599 & 531-Schneider,  
with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with  
SCS & SA 1 (pending)

SB 720-Caskey, with SS &  
SA 3 (pending)

SB 729-House, with SCS &  
SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with SCS

SBs 807, 553, 574, 614,  
747 & 860-Jacob, with  
SCS, SS for SCS & SA 2  
(pending)

SB 817-Stoll, with SCS

SBs 818 & 564-Maxwell and  
Kinder, with SCS

SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5  
(pending)

SB 827-Scott, et al, with  
SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,  
with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SB 1047-Rohrbach, with

SCS (pending)

SB 1048-Mathewson, with

SCS

SJR 45 & 41-House, with

SCS (pending)

SJR 46-Goode, et al, with

SCS (pending)

SJR 47-Quick, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & point

of order (pending) HOUSE BILLS ON THIRD READING

HB 1082-Crump, with SCS &

SA 1 (pending) (Childers)

SCS for HCS for HBs 1386

& 1086 (Maxwell)

(In Budget Control)

HB 1443-Koller, with SCS

& SS for SCS (pending)

(Johnson)

SS for SCS for HS for HCS

for HBs 1566 & 1810-

Bray (Scott)

(In Budget Control)

HS for HB 1603-May

(108th), with SCS

(pending) (Jacob)

HS for HB 1615-Hosmer,

with SCS, SS for SCS,

SA 9 & SSA 1 for SA 9

(pending) (Caskey)

HB 1706-Gambaro, et al,

with SCS (Clay)

HS for HCS for HJR 61-Van

Zandt, with SCS, SS for

SCS & SS for SS for SCS

(pending) (Quick) CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin (Wiggins)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 542-Mathewson,  
with HS for HCS, as amended  
SB 724-Rohrbach, with HS  
for HCS  
SB 922-Scott, with HCS,  
as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,

as amended

SB 741-Maxwell, with HCS,

as amended

SB 788-Johnson, with HS

for HCS, as amended

SS for SB 813-House, with

HCS, as amended

(Further conference granted)

SB 856-Maxwell, with HS

for HCS, as amended

SB 858-Maxwell, with HS

for HCS, as amended

SB 896-Klarich, with HS

for HCS, as amended

SB 1053-Goode, et al,

with HS, as amended

SJR 50-Stoll, with HA 2

HB 1292-Auer, with SCS,

as amended (Jacob)

HB 1591-Backer, with SCS

(Howard)

HB 1948-Gratz, et al,

with SCS (Staples)

(House adopted CCR

and passed CCS)

## Requests to Recede or Grant Conference

SS for SCS for SB 763-

Howard, with HCS, as amended

(Senate requests House

recede or grant conference)

## RESOLUTIONS

SR 1204-Goode

SR 1373-Mathewson

SCR 33-Kinder, et al

Reported from Committee

SCR 34-Bland, et al, with

point of order (pending)

SCR 40-House

HCR 28-Van Zandt, et al



# Journal of the Senate

## SECOND REGULAR SESSION

**SEVENTY-SECOND DAY--THURSDAY, MAY 11, 2000**

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Let Your moderation be known unto all men. The Lord is at hand." (Philippians 4:5)

Gracious Father, we need this reasonableness, this gentleness, this kindness, among us this day. We need to hear what our brothers and sisters here with us have to say and listen with deference. So grant us Your grace that we may have an attitude of caring and patience and most certainly a gentle spirit. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1827, regarding Kristine Marie Carey, Kirkwood, which was adopted.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 549**, as amended: Representatives VanZandt, Gaw, Smith, Gibbons and Hanaway.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator Quick submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HB 2011**, begs leave to report that it has considered the same and recommends that the bill do pass.

## **HOUSE BILLS ON THIRD READING**

Senator Caskey moved that **HS** for **HB 1615**, with **SCS**, **SS** for **SCS**, **SA 9** and **SSA 1** for **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SSA 1** for **SA 9** was again taken up.

At the request of Senator Sims, the above amendment was withdrawn.

**SA 9** was again taken up.

At the request of Senator Rohrbach, the above amendment was withdrawn.

At the request of Senator Caskey, **SS** for **SCS** for **HS** for **HB 1615** was withdrawn.

Senator Caskey offered **SS No. 2** for **SCS** for **HS** for **HB 1615**, entitled:

### **SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 1615**

An Act to repeal sections 191.900, 191.910, 197.405, 197.410, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470, 197.477, 198.012, 198.026, 198.032, 198.090, 344.050, 565.186, 565.188, 565.190, 660.300, 660.305, 660.315 and 660.320, RSMo 1994, and sections 190.142, 197.400, 197.415, 197.445, 198.070, 198.526, 198.532, 210.903, 210.909, 210.915, 210.933, 210.936, 660.050 and 660.317, RSMo Supp. 1999, and to enact in lieu thereof sixty-eight new sections relating to protection of the elderly, with penalty provisions and an emergency clause for certain sections.

Senator Caskey moved that **SS No. 2** for **SCS** for **HS** for **HB 1615** be adopted.

Senator Kenney offered **SA 1**:

### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page

77, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

- (1) All recipients of state supplemental payments for the aged, blind and disabled;
- (2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;
- (3) All recipients of blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;
- (13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance [under] **pursuant to** 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage [under] **pursuant to** this subdivision, the department of social services may revise the state Medicaid plan to extend coverage [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] **pursuant to** this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall be subject to appropriation to provide services approved [under] **pursuant to** the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance [under] **pursuant to** this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards

in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available [under] **pursuant to 42 U.S.C. 1396a**

(a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

**(27) All persons who would be determined eligible for old age assistance benefits or permanent and total disability benefits, under the eligibility standards in effect December 31, 1973, and whose income is less than or equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services or its successor; as authorized under 1902(m)(1) of the federal Social Security Act or less restrictive standards as established by rule of the division of family services.**

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] **pursuant to** Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Steelman offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 77, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"208.152. 1. Benefit payments for medical assistance shall be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the division of medical services shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the medicaid children's diagnosis length-of-stay schedule; and provided further that the division of medical services shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the division of medical services may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the division of medical services not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for recipients, except to persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health or a nursing home licensed by the division of aging or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX, of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The division of medical services may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of medicaid patients. The division of medical services when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for recipients of benefit payments [under] **pursuant to** subdivision (4) of this section for those days, which shall not exceed twelve per any period of six consecutive months, during which the recipient is on a temporary leave of absence from the hospital or nursing home, provided that no such recipient shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a recipient is away from the hospital or nursing home overnight because he **or she** is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Dental services;

(8) Services of podiatrists as defined in section 330.010, RSMo;

(9) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist;

(10) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments. The department of social services may conduct demonstration projects related to the provision of medically necessary transportation to recipients of medical assistance under this chapter. Such demonstration projects shall be funded only by appropriations made for the purpose of such demonstration projects. If funds are appropriated for such demonstration projects, the department shall submit to the general assembly a report on the significant aspects and results of such demonstration projects;

(11) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of section 6403 of P.L.53 101-239 and federal regulations promulgated thereunder;

(12) Home health care services;

(13) Optometric services as defined in section 336.010, RSMo;

(14) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the medicaid agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(15) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(16) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(17) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage [under] **pursuant to** Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted [under] **pursuant to** Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(18) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his **or her** physician on an outpatient, rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the recipient's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one recipient one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time;

(19) Mental health services. The state plan for providing medical assistance [under] **pursuant to** Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance



with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, "mental health professional" and "alcohol and drug abuse professional" shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, division of medical services, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the division of medical services. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(20) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive and behavioral function. The division of medical services shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism;

(21) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. Beginning July 1, 1990, the rate of reimbursement paid by the division of medical services to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Such additional services as defined by the division of medical services to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(23) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner to the extent that such services are provided in accordance with chapter 335, RSMo, and regulations promulgated thereunder, regardless of whether the nurse practitioner is supervised by or in association with a physician or other health care provider;

(24) Subject to appropriations, the department of social services shall conduct demonstration projects for nonemergency, physician-prescribed transportation for pregnant women who are recipients of medical assistance [under] **pursuant to** this chapter in counties selected by the director of the division of medical services. The funds appropriated pursuant to this subdivision shall be used for the purposes of this subdivision and for no other purpose. The department shall not fund such demonstration projects with revenues received for any other purpose. This subdivision shall not authorize transportation of a pregnant woman in active labor. The division of medical services

shall notify recipients of nonemergency transportation services [under] **pursuant to** this subdivision of such other transportation services which may be appropriate during active labor or other medical emergency;

(25) Nursing home costs for recipients of benefit payments [under] **pursuant to** subdivision (4) of this subsection to reserve a bed for the recipient in the nursing home during the time that the recipient is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of medicaid certified licensed beds, according to the most recent quarterly census provided to the division of aging which was taken prior to when the recipient is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made [under] **pursuant to** this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a recipient pursuant to this subdivision during any period of six consecutive months such recipient shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided [under] **pursuant to** subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the recipient or the recipient's responsible party that the recipient intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the recipient or the recipient's responsible party prior to release of the reserved bed.

2. Benefit payments for medical assistance for surgery as defined by rule duly promulgated by the division of medical services, and any costs related directly thereto, shall be made only when a second medical opinion by a licensed physician as to the need for the surgery is obtained prior to the surgery being performed.

3. The division of medical services may require any recipient of medical assistance to pay part of the charge or cost, as defined by rule duly promulgated by the division of medical services, for dental services, drugs and medicines, optometric services, eye glasses, dentures, hearing aids, and other services, to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, RSMo, and a generic drug is substituted for a name brand drug, the division of medical services may not lower or delete the requirement to make a copayment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described [under] **pursuant to** this section must collect from all recipients the partial payment that may be required by the division of medical services under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by recipients [under] **pursuant to** this section shall be in addition to, and not in lieu of, any payments made by the state for goods or services described herein.

4. The division of medical services shall have the right to collect medication samples from recipients in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services [under] **pursuant to** subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for medical assistance at least to the extent that such care and services are available to the general population in the geographic area, as required [under] **pursuant to** subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and section 6404 of P.L. 101-239 (Omnibus Budget

Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for medical assistance [under] **pursuant to** section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health. Such notification and referral shall conform to the requirements of section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the medicaid program shall not increase payments in excess of the increase that would result from the application of section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The department of social services, division of medical services, may enroll qualified residential care facilities, as defined in chapter 198, RSMo, as medicaid personal care providers.

**11. The department of social services shall, in connection with medical assistance provided for in section 208.152.1(4), RSMo, make payment through rates determined in accordance with methods and standards developed by the department of social services which take into account the costs, including the costs of services required to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident eligible for benefits under the Missouri Medicaid program, of complying with subsection's (b) (other than paragraph (3)(F) thereof), (c) and(d) of 42 U.S.C. Section 1396r(b), (c) and(d) and provide (in the case of a nursing facility with a waiver under 42 U.S.C. Section 1396r(b)(4)(C)(ii)) for an appropriate reduction to take into account the lower costs, if any, of the facility for nursing care and which the division of medical services finds, and makes assurances satisfactory to the director of the department of social services, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.";** and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Kenney, Klarich and House.

Senator Klarich offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 3, Section 208.152, Line 22, by inserting immediately after said line:

**"(9) Services of chiropractors licensed pursuant to chapter 331, RSMo;"**; and

Further renumber the remaining subdivisions accordingly.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Caskey, **HS** for **HB 1615**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and **SA 1** to **SA 2** (pending),

was placed on the Informal Calendar.

**HS** for **HCS** for **HB 1797**, with **SCA 1**, entitled:

An Act to repeal sections 303.025, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicle financial responsibility and the motorist insurance identification database, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions, an effective date for certain sections, and an expiration date for certain sections.

Was taken up by Senator Goode.

**SCA 1** was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SS** for **HS** for **HCS** for **HB 1797**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1797

An Act to repeal section 303.044, RSMo 1994 and sections 302.178, 303.025, 303.026, 303.041, 303.042, 303.190, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicles, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an expiration date for certain sections.

Senator Goode moved that **SS** for **HS** for **HCS** for **HB 1797** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Bill No. 1797, Page 1, Section 302.178, Line 8 of said page, by inserting before said line the following:

"302.160. When the director of revenue receives notice of a conviction in another state or from a federal court [of an offense on a federal military installation], which, if committed in this state, would result in the assessment of points, [he] **the director** is authorized to assess the points and suspend or revoke the operating privilege when the accumulated points so require as provided in section 302.304."; and

Further amend said bill, Page 6, Section 303.025, Line 9 of said page, by inserting before said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or

county or municipal **or federal** traffic ordinance

**or regulation** not listed in this section, other than

a violation of vehicle equipment provisions or a

court-ordered supervision as provided in section

302.303 2 points

(except any violation of municipal stop sign

ordinance where no accident is involved .1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal

ordinance 2 points

(3) Leaving the scene of an accident in

violation of section 577.060, RSMo 12 points

In violation of any county or municipal

ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal

ordinance 2 points

(5) Operating without a valid license in

violation of subdivision (1) or (2) of subsection

1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked

license prior to restoration of operating

privileges 12 points

(7) Obtaining a license by

misrepresentation 12 points

(8) For the first conviction of driving

while in an intoxicated condition or under the

influence of controlled substances

or drugs 8 points

(9) For the second or subsequent conviction

of any of the following offenses however

combined: driving while in an intoxicated

condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving

with blood alcohol content ten-hundredths of one

percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance

**or federal law or regulation** 8 points

(11) Any felony involving the use of a

motor vehicle 12 points

(12) Knowingly permitting unlicensed

operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain

financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial

motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 18, Section 303.190, Lines 10-25 of said page, by striking said lines; and

Further amend said bill and section, Page 19, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 20, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 21, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 22, Lines 1 to 7 of said page, by striking said lines; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due; **except when electronic personal property tax data has been provided to the department of revenue, and the department of revenue verifies that personal property**

**taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid said personal property taxes.** The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. **Residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification



returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor

vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]"'; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting immediately after said line the following:

**"32.300. In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement, a motor vehicle license renewal system which may be used through the department's Internet web site connection. The online license renewal system shall be available no later than January 1, 2002. The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's Internet web site connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.";** and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill 1797, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

**"301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the**

following to the department:

(1) When the application is being made for licensure as a manufacturer, boat manufacturer, motor vehicle dealer, boat dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle auction, a certification by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located; except, that in counties of the first classification, certification may be authorized by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed, that the applicant has a bona fide established place of business. A bona fide established place of business for any new motor vehicle franchise dealer or used motor vehicle dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of motor vehicles or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name and class of business conducted in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which one or more vehicles may be displayed, except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall not be required. When licensure is for a boat dealer, a lot shall not be required. In the case of new motor vehicle franchise dealers, the bona fide established place of business shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under their franchisor's warranty;

(2) If the application is for licensure as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches, showing the business building and sign shall accompany the initial application. In the case of a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph shall include the lot of the business. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat dealer, the application shall contain the business address, not a post office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required of new franchised motor vehicle dealers and used motor vehicle dealers;

(4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party;

(5) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.
3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number within eight working hours after presentment of the application. Upon the renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.
4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:
- New motor vehicle franchise dealers ..... D-0 through D-999
- New motor vehicle franchise and commercial  
motor vehicle dealers ..... D-1000 through D-1999
- Used motor vehicle dealers ..... D-2000 through D-5399 and D-6000 through D-9999
- Wholesale motor vehicle dealers ..... W-1000 through W-1999
- Wholesale motor vehicle auctions ..... W-2000 through W-2999
- Trailer dealers ..... T-0 through T-9999
- Motor vehicle and trailer manufacturers ..... M-0 through M-9999
- Motorcycle dealers ..... D-5400 through D-5999
- Public motor vehicle auctions ..... A-1000 through A-1999
- Boat dealers and boat manufacturers ..... B-0 through B-9999

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of manufacturers and motor vehicle dealers, the department shall also issue one number plate bearing the distinctive dealer license number to the applicant upon payment by the manufacturer or dealer of a fifty-dollar fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty-dollar fee. As many additional number plates as may be desired by manufacturers and motor vehicle dealers and as many additional certificates of number as may be desired by boat dealers and boat manufacturers may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. A motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction obtaining a dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned and held for resale by the motor vehicle dealer or manufacturer, and used by a customer who is test driving the motor vehicle, or is used by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer, but shall not be displayed on any vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and manufacturers may display their certificate of number on a vessel or vessel trailer which is being transported to an exhibit or show.

**9. (1) Effective January 1, 2002, every application for the issuance or renewal of a used motor vehicle dealer's license shall be accompanied by, or supported by, such evidence as the department shall prescribe, documenting the successful completion of a six-hour educational seminar, approved by the department, during the twelve-month period immediately preceding the date of the application.**

**(2) The educational seminar shall include, but is not limited to the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce and administer sections 301.550 to 301.570, the requirements of the department, and other information designed to promote good business practices. The educational seminar requirements shall not include written or oral exams.**

**(3) Each educational seminar shall be sponsored by a non-profit corporation, authorized to do business in Missouri, that develops and presents educational programs which enhance the knowledge and competence of used motor vehicle dealers, their sales persons and service personnel for the benefit of the public. The department shall establish by rule qualifications for, and approve all sponsoring organizations. All principals and instructors of the sponsoring organization shall not have had any prior felony convictions as determined by a background check by the Missouri Highway Patrol.**

**(4) The requirements of subsection 9 of this section shall apply for every motor vehicle dealer who sells used motor vehicles, regardless of what other type of motor vehicles the dealer sells.**

**(5) For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension shall not exceed the period of one**

calendar year. The director may grant an individual a waiver of the mandatory educational requirements upon a showing by the dealer that it is not feasible for the dealer to satisfy the requirements prior to the renewal date."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kenney offered SA 6:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

**"301.474. 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

**2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star.**

**3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.**

**4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.**

**301.475. Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person**

except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

**301.476.** Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in desert storm or desert shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

**301.3031. 1.** Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

**2.** There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

**3.** The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

**4.** The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

**301.3053. 1.** Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

**2.** Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination

thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.3055. 1. Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for specialized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

301.3062. 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorize the use of their official emblem to be affixed on multi-year personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and



Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

**"301.3051. 1. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.**

**3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.**

**4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.";** and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Steelman offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

**"301.3030. 1. Any person may receive special license plates with words and an emblem which denotes respect for human life both before and after birth, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of**

eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents which may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of twenty-five dollars is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates which are not respect life license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to this section.

8. There is hereby created in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards or from federal, state or local sources; and

(4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings which result from the investment of moneys in the Missouri alternatives to abortion support fund shall be credited to such fund.

10. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium, shall not apply to the Missouri alternatives to abortion support fund.

11. Moneys credited to and deposited in the fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

**12. Until the amount in the Missouri alternatives to abortion support fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund credited to the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.**

**13. The purpose of the Missouri alternatives to abortion support fund is to provide and promote alternatives to abortion services by grants to, or contracts with, those private agencies which are:**

- (1) Established and operating primarily to provide alternatives to abortion services, and which do not perform or refer for abortions;**
- (2) Located in this state; and**
- (3) Exempt from income taxation pursuant to the United States Internal Revenue Code.**

**14. As used in this section, "alternatives to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption.**

**15. Unless otherwise provided by law, the general assembly may, for the purposes authorized pursuant to this section, appropriate moneys from the Missouri alternatives to abortion support fund to:**

- (1) The office of administration;**
- (2) The fifteen administrative departments; or**
- (3) Any board, bureau, commission or other agency of the state exercising administrative or executive authority."; and**

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 8** is out of order as it introduces new subject matter into the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Westfall offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting at the end of said line the following:

**"301.3041. 1. The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multi-year personalized license plates as provided in this section.**

**2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem use contribution to the foundation, the foundation shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration.**

**3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.**

**4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law.";** and

Further amend title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by adding immediately after the end of said line the following:

"32.055. Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations **or other personal information held by the department of revenue for the purposes of bulk distribution for surveys, marketing and solicitations. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

[32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible pursuant to this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

6. Any clear, accurate and nontransient output of a record of ownership, lien or satisfaction of a lien maintained electronically by the director of revenue as permitted in sections 301.600 to 301.640, RSMo, shall be deemed to be an original record for all purposes and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof, shall be deemed to be a transcript, exemplification or certified copy of the original.

7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.]

32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible under this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing, **issuance or renewal** of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. **All restrictions imposed by law that apply to the disclosure of information by the department of revenue shall also apply to any persons or entities contracting with the director of the department of revenue to provide electronic filing, issuance or renewal services. Notwithstanding other provisions of law, any online access or access via other electronic means granted to such persons or entities may be limited to the persons or entities providing such electronic filing, issuance or renewal services.**

6. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in

evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

[6.] **7.** Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.

[7.] **8.** The director of revenue may renew motor vehicle registrations by electronic means when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to accompany such application are provided to the director electronically in a format prescribed by the director of revenue.

[8.] **9.** The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. [Except as otherwise provided by law,] Personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if the individual whose personal information is requested has not elected to prohibit the disclosure of such personal information pursuant to] **except as provided in** section 32.091.

32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code [in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section], **as amended by Public Law 106-69, Section 350, only if the department has obtained the express consent of the person to whom such personal information pertains.**

3. [A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits,

licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.] **Notwithstanding any other provisions of law to the contrary, the department of revenue shall not disseminate a person's driver's license photograph, Social Security number and medical or disability information from a motor vehicle record, as defined in section 2726(1) of Title 18 of the United States Code without the express consent of the person to whom such information pertains, except for uses permitted under Sections 2721(b)(1), 2721(b)(4), 2721(b)(6) and 2721(b)(9) of Title 18 of the United States Code.**

4. [Notwithstanding any other provision of law to the contrary,] The department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to Sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code **except for the personal information described in subsection 3 of this section.**

5. Pursuant to Section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

**6. This section is not intended to limit media access to any personal information when such access is provided by agencies or entities in the interest of public safety and is otherwise authorized by law."**; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **HS** for **HCS** for **HB 1797**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **HS** for **HCS** for **HB 1797**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Steelman--1			
Absent--Senators			
Johnson	Kenney	Stoll--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 763**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 763**, as amended: Representatives Kissell, Davis 122, McLuckie, Myers and Alter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1591** and has taken up and passed **SCS** for **HB 1591**, as amended by the CCR.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **SCA 1**, **SCA 1**, as amended, **SA 1** to **HCS** for **HB 1967** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HB 1238**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 1238**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to concur in **HCS** for **SB 922**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to recede from its position on **SA 1** to **SCA 1**, **SCA 1**, as amended, and **SA 1** to **HCS** for **HB 1967** and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 1238**, as amended: Senators Mathewson, Quick, Johnson, Childers and Mueller.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 763**, as amended: Senators Howard, DePasco, Maxwell, Childers and Klarich.

### CONFERENCE COMMITTEE REPORTS



Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1948**, submitted the following report:

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1948

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1948 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1948;
2. That the House recede from its position on House Bill No. 1948;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Danny Staples  
/s/ Jim Mathewson  
/s/ John E. Scott  
/s/ Doyle Childers  
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Bill Gratz  
/s/ Don Koller  
/s/ Vicky Hartzler  
/s/ Bill Ransdall  
/s/ Gary Marble

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Maxwell
Mueller	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Flotron	Johnson	Mathewson
Quick	Schneider	Scott	Stoll--8
	Absent with leave--Senators--None		

On motion of Senator Staples, **CCS** for **SCS** for **HB 1948**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1948

An Act to repeal section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo

Supp. 1999, relating to the regulation of the operation of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Mathewson	Quick	Stoll--4
Absent with leave--Senators--None			

President Wilson assumed the Chair.

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Caskey moved that **HS** for **HB 1615**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** to **SA 2** was again taken up.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** to **SA 2** and was joined in his request by Senators Childers, House, Kenney and Klarich.

Senator Caskey raised the point of order that **SA 1** to **SA 2** is out of order as it introduces a new subject matter to the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Caskey raised the point of order that **SA 2** is out of order as it adds new subject matter to the bill as it is currently before the body and therefore goes beyond the scope and purpose.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SS No. 3** for **SJR 35**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, relating to compensation of state elected officials and adopting one new section in lieu thereof relating to the same subject.

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO  
HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 1

Amend House Substitute Amendment No. 1 to House Amendment No. 1 for House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, Page 2, Section 3, Line 9 by inserting after the word "salary"; "or any other form of compensation."

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, page 4, line 76 by inserting after the word "**schedule**.", the words "**The general assembly shall never appropriate funds which retroactively increase the salary of persons whose compensation schedule is fixed by the commission.**".

In which the concurrence of the Senate is respectfully requested.

On motion of Senator DePasco, the Senate recessed until 1:35 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Johnson.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HB 1238**, as amended: Representatives Hoppe, Rizzo, Smith, Lograsso and Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 557**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 902**, entitled:

An Act to repeal sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to gaming, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amend-ment No. 2, House Amendments Nos. 3, 4 and 6.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Pages 12 and 13, Section 313.807.6, by striking all of subsection 6 of section 313.807 and inserting in lieu thereof the following:

**"6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit a change in local law in favor of the applicant having the ownership interest in the property."**

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 46, Section 313.843, Line 23, by inserting after the word **"feet"** the following:

**"(3) are not offered after eleven o'clock p.m. on days which immediately precede days which public elementary and secondary schools in the county in which the licensee is located are scheduled to be in session, and are not offered after one o'clock a.m. on other days."**

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.820, Line 11 of said page, by inserting after the word **"dollars"** the phrase **"and ten cents"**; and

Further amend said bill, Page 24, Section 313.820, Line 13 of said page, by inserting after the word **"dollar"** the phrase **"and ten cents"**; and

Further amend said bill, Page 24, Section 313.820, Line 20 of said page, by inserting after the number **"313.842"** the following: **"and nine cents of such fee deposited to the credit of the gaming commission may be deposited to the credit of the World War II veterans' recognition award fund created pursuant to section 42.195, RSMo. Notwithstanding any provision of law to the contrary, upon termination of the World War II veterans' recognition award fund, and subject to appropriation, nine cents of such fee deposited to the credit of the gaming commission may be deposited to the credit of the veterans' commission capital improvement trust fund created pursuant to section 313.835."**; and

Further amend said bill, Page 34, Section 313.835, Line 12 of said page, by inserting after the number **"313.820,"** the following: **"and that portion of the admission fee, not to exceed nine cents, that may be appropriated to the World War II veterans' recognition award fund created pursuant to section 42.195, RSMo, or to the credit of the veterans' commission capital improvement trust fund created pursuant to section 313.835 upon termination of the World War II veterans' recognition award fund."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.817, Line 9, by inserting before the period "." the following: "**and a class A misdemeanor for second and subsequent offenses.**".

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 22, Section 313.815, Line 13, by deleting the word "four" and inserting in lieu thereof the word "three".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that House has taken up and passed **HS** for **SS** for **SCS** for **SBs 867** and **552**, entitled:

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof four new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 3, Section 82.1050, Line 3, by inserting after all of said line the following:

**"135.406. Notwithstanding sections 135.403 and 135.405, no more than one million dollars of the total amount of Missouri small business tax credits available for qualified investments in Missouri small businesses shall be used and made available for qualified investments in Missouri small businesses, which are enterprises which consist of one or more establishments assigned a SIC code of 8731 and the results of the activities of which are designed to be used by establishments assigned a SIC code of 2834, engaged solely in pharmaceutical research and development; but in the event this one million dollar set aside is not used in its entirety by September first of any year, the balance of the credit may be used by other entities qualifying for tax credits under the capital tax credit program as defined in sections 135.400 to 135.430. The limitations of subsection 2 of section 135.403 and section 135.405 upon the amounts of qualified investments, the aggregate of tax credits authorized and the maximum tax credits which may be evidenced by certificates of tax credit issued or owned by a single taxpayer shall not apply to amounts allocated by this section. The director shall give preference in issuing certificates of tax credit to applicants under this section."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 3, Section 135.500.2(1)(a), Line 10, by striking the word "ten" in said line and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 3, section 135.500.2(1)(b), Line 13, by striking the word "ten" in said line and inserting in lieu thereof the word "**fifteen**".

In which the concurrence of the Senate is respectfully requested.

#### HOUSE BILLS FOR THIRD READING

Senator Stoll moved that **HB 1085** be called from the Consent Calendar and again taken up for 3rd reading and final

passage, which motion prevailed.

On motion of Senator Stoll, **HB 1085** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Ehlmann	Russell	Schneider
Scott--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Jacob moved that **HS** for **HB 1603**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HS** for **HB 1603**, as amended, was again taken up.

Senator Clay offered **SA 8**, which was read:

#### SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 19, Section 407.826, Line 47, by striking the word "unencumbered".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 9**, which was read:

#### SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 19, Section 407.826.2(2), Lines 56, by striking the words, "upon licensure".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 34, by striking the following: "or have any financial interest".

Senator Mueller moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Klarich offered **SSA 1** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 34, by striking the following: "or have any financial interest"; and

Further amend said bill, Page 22, Section 621.053, Line 7, by inserting after said line, the following:

"Section 1. The provisions and individual sections set forth in this act shall be deemed to be nonseverable."

Senator Klarich moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **SSA 1** for **SA 10** was withdrawn.

Senator Klarich offered **SSA 2** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 34, by striking the following: "or have any financial interest"; and

Further amend said bill, Page 18, Section 407.826, Line 35, by inserting after said line, the following:

"Section 1. The provisions and individual sections set forth in this section shall be deemed to be nonseverable."

Senator Klarich moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **SSA 2** for **SA 10** was withdrawn.

**SA 10** was again taken up.

Senator Mueller moved that the above amendment be adopted, which motion failed.

Senator Bland offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 2, Section 407.815(10), Lines 45-46, by striking all of said lines and inserting in lieu thereof the following:

"(10) "Product", a new motor vehicle and new motor vehicle parts;"

Senator Bland moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 11** and was joined in his request by Senators Childers, Howard, Rohrbach and Sims.

**SA 11** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
Clay	Mueller	Rohrbach	Sims--8
NAYS--Senators			
Caskey	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Flotron	Staples--2		
Absent with leave--Senators--None			

Senator Howard offered **SA 12**:

#### SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 22, Section 621.053, Line 7, by inserting immediately after said line the following:

- "Section 1. 1. Effective January 1, 2002, every application for the issuance or renewal of a used motor vehicle dealer's license shall be accompanied by, or supported by, such evidence as the department shall prescribe, documenting the successful completion of a six-hour educational seminar, approved by the department, during the twelve-month period immediately preceding the date of the application.**
- 2. The educational seminar shall include, but is not limited to the dealer requirements of sections 301.550 to 301.573, RSMo, the rules promulgated to implement, enforce and administer sections 301.550 to 301.570, RSMo, the requirements of the department, and other information designed to promote good business practices. The educational seminar requirements shall not include written or oral exams.**
- 3. Each educational seminar shall be sponsored by a non-profit corporation, authorized to do business in Missouri, that develops and presents educational programs which enhance the knowledge and competence of used motor vehicle dealers, their sales persons and service personnel for the benefit of the public. The department shall establish by rule qualifications for, and approve all sponsoring organizations. All principals and instructors of the sponsoring organization shall not have had any prior felony convictions as determined by a background check by the Missouri Highway Patrol.**
- 4. The requirements of this section shall apply for every motor vehicle dealer who sells used motor vehicles, regardless of what other type of motor vehicles the dealer sells.**
- 5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension shall not exceed the period of one calendar year. The director may grant an individual a waiver of the mandatory educational requirements upon a showing by the dealer that it is not feasible for the dealer to satisfy the requirements prior to the renewal date."; and**



Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Carter raised the point of order that **SA 12** is out of order as the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

**SA 12** was again taken up.

At the request of Senator Howard, the above amendment was withdrawn.

Senator Rohrbach offered **SS** for **SCS** for **HS** for **HB 1603**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 1603

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle franchise practices.

Senator Rohrbach moved that **SS** for **SCS** for **HS** for **HB 1603** be adopted.

At the request of Senator Jacob, **HS** for **HB 1603**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HS** for **HCS** for **SCR 37**.

HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the President of the United States has proposed the creation of a Delta Regional Authority; and

WHEREAS, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and to provide the infrastructure and job training needed to make prosperity possible in the Delta; and

WHEREAS, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the Delta area:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Regional Authority"; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall make recommendations to the General Assembly regarding policy development, prioritization of funding based upon poverty, joblessness, lack of job availability, literacy rates and level of education, and programs and interstate compacts; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority may accept general revenue and other funds as may

be appropriated to it; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall be composed of one county commissioner or designee from each of the following central counties designated by the Lower Mississippi Delta Commission of Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Butler, one of Missouri's representatives on the board of the lower Mississippi delta development center appointed by the governor, one member of the public chosen to represent the interests of agriculture appointed by the governor, one member of the public to represent business and industry appointed by the governor, and one member of the public to represent education appointed by the governor, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the central county region designated by the Lower Mississippi Delta Development Commission, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the affected area designated by the Lower Mississippi Delta Development Commission, one member of the senate, appointed by the president pro tem of the senate, who represents a district within the central county region designated by the Lower Mississippi Delta Development Commission, and the following ex officio members: the directors of the departments of economic development, transportation and agriculture, the director of the family investment trust, the commissioner of education, the commissioner of higher education, one member of the board of the Lower Mississippi River Delta Center; and

BE IT FURTHER RESOLVED that the department of economic development shall provide professional, legal and clerical staff for the Missouri Commission on the Delta Regional Authority; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mel Carnahan.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 922**, as amended, and grants the Senate a conference thereon.

## **REPORTS OF STANDING COMMITTEES**

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS for HCS for HBs 1652 and 1433**, with **SCAs 1, 2, 3, 4, 5 and 6**; **SCS for HCS for HBs 1386 and 1086**; **SS for SCS for HS for HCS for HBs 1566 and 1810**; and **HS for HCS for HB 1305**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Nancy Beer Tobin and Rosemary A. Kaskowitz, as public members of the Missouri Seed Capital Investment Board;

Also,

Roy Curtiss, III, Thomas R. Sharpe and Theodore J. Cicero, as members of the Missouri Seed Capital Investment Board;

Also,

Anita K. Parran, as a public member of the Missouri State Board of Pharmacy;

Also,

Karl B. Zobrist and Stacy Daniels-Young, as members of the Kansas City Board of Police Commissioners;

Also,

Terry Bloomberg, as a member of the Children's Trust Fund Board;

Also,

J. Joe Adorjan, as a member of the Missouri Gaming Commission;

Also,

Sandra M. Moore, as a member of the Southeast Missouri State University Board of Regents;

Also,

Pier C. Patterson, Dorothy B. McGuffin and Mark H. Comensky, as members of the Committee for Professional Counselors;

Also,

Sheryl Johnson-Stampley, as a member of the Missouri Training and Employment Council;

Also,

George A. Pipes, as a member of the State Board of Registration for the Healing Arts;

Also,

Samuel D. Leake, as a member of the State Tax Commission;

Also,

Deborah J. Tomich, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Timothy J. Dorsey, as a member of the Missouri Fire Education Commission;

Also,

Renee A. Routledge-Kime, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Zoretta V. Schoonover, as a member of the Dam and Reservoir Safety Council;

Also,

Gretchen G. Davis, as a member of the Missouri Community Service Commission;

Also,

Paul D. Potthoff, as a member of the Board of Directors, American National Fish and Wildlife Museum District;

Also,

Sue Carrol Terry, as a member of the State Lottery Commission;

Also;

Darrel D. Ashlock, as a member of the Board of Probation and Parole;

Also,

Reuben A. Shelton, as a member of the Board of Curators for Lincoln University;

Also,

Vanetta E. Rogers and Jeannine H. Osborn, as members of the State Board of Education;

Also,

Marjorie B. Schramm, as a member of the State Highways and Transportation Commission;

Also,

Christina L. Quick, as a member of the State Milk Board;

Also,

E. Gail McCann Beatty, as a member of the Tourism Commission;

Also,

Kelvin L. Simmons, as a member of the Public Service Commission;

Also,

Catherine B. Leapheart, as Director of the Department of Labor and Industrial Relations;

Also,

William H. Creech, III and Robert T. Jackson, as members of the Board of Trustees, Petroleum Storage Tank Insurance Fund;

Also,

Hugh G. Jenkins, as a member of the Land Reclamation Commission;

Also,

David J. Lackey, as a member of the Missouri Board of Occupational Therapy;

Also,

Thomas A. Herrmann, as a public member of the Clean Water Commission of the State of Missouri;

Also,

Teri E. Loney, as a member of the State Committee of Marital and Family Therapists.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the

above appointments and reappointments, which motion prevailed.

## PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 902**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Goode moved that the Senate refuse to concur in **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mathewson moved that **SCS** for **SB 542**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HS** for **HCS** for **SCS** for **SB 542**, as amended, entitled:

HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 542

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Staples assumed the Chair.

Senator Mathewson moved that **HS** for **HCS** for **SCS** for **SB 542**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senator Singleton--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Mathewson, **HS** for **HCS** for **SCS** for **SB 542**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
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Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Singleton--1		
	Absent--Senators		
Mueller	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Photographers from KOMU-TV were given per-mission to take pictures in the Senate Chamber today.

Senator Maxwell moved that **SS** for **SCS** for **SBs 867** and **552**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **SS** for **SCS** for **SBs 867** and **552**, as amended, entitled:

HOUSE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **HS** for **SS** for **SCS** for **SBs 867** and **552**, as amended, be adopted.

Senator House offered a substitute motion that the Senate refuse to adopt **HS** for **SS** for **SCS** for **SBs 867** and **552**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Senator Johnson assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of the substitute motion. He was joined in his request by Senators Kenney, Klarich, Mueller and Staples.

The substitute motion made by Senator House failed of adoption by the following vote:

	YEAS--Senators		
Childers	Ehlmann	Graves	House
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Scott
Steelman	Westfall	Yeckel--15	
	NAYS--Senators		
Bland	Carter	Caskey	Clay
DePasco	Flotron	Goode	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Sims	Singleton	Staples
Stoll	Wiggins--18		
	Absent--Senator Bentley--1		
	Absent with leave--Senators--None		

**HS** for **SS** for **SCS** for **SBs 867** and **552**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Ehlmann	Rohrbach	Schneider--3	
	Absent--Senator Bentley--1		
	Absent with leave--Senators--None		

On motion of Senator Maxwell, **HS** for **SS** for **SCS** for **SBs 867** and **552** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Bentley	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 37**, with **HS** for **HCS**, be taken up for adoption, which motion prevailed.

Senator Howard moved that **HS** for **HCS** for **SCR 37** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider--2		
Absent with leave--Senators--None			

On motion of Senator Howard, **HS** for **HCS** for **SCR 37** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

### PRIVILEGED MOTIONS

Senator Rohrbach moved that **SB 724**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SB 724**, entitled:

HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR



## SENATE BILL NO. 724

An Act to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Rohrbach moved that **HS** for **HCS** for **SB 724** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Schneider--2		
	Absent with leave--Senators--None		

On motion of Senator Rohrbach, **HS** for **HCS** for **SB 724** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider

Scott  
Steelman  
Yeckel--33

Sims  
Stoll

Singleton  
Westfall

Staples  
Wiggins

NAYS--Senators--None  
Absent--Senator Flotron--1  
Absent with leave--Senators--None

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins assumed the Chair.

### CONFERENCE COMMITTEE REPORTS

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **SCS for HB 1591**, submitted the following report:

#### CONFERENCE COMMITTEE REPORT ON

#### SENATE COMMITTEE SUBSTITUTE FOR

#### HOUSE BILL NO. 1591

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1591, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for House Bill No. 1591; and
2. That Senate Committee Substitute for House Bill No. 1591 with the attached Conference Committee Amendment No. 1 be adopted.

#### FOR THE SENATE:

/s/ J. T. Howard  
/s/ William Clay  
/s/ Danny Staples  
/s/ Doyle Childers  
/s/ Betty Sims

#### FOR THE HOUSE:

/s/ Gracia Y. Backer  
/s/ Thomas A. Hoppe  
/s/ Rita D. Days  
/s/ John E. Griesheimer  
/s/ Mark Richardson

#### CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1591, Page 2, Section 344.040, Line 35, by deleting the word "**six**" and inserting in lieu thereof the word "**two**"; and

Further amend said bill, Page 2, Section 344.040, Line 37, by inserting after the word "**thirtieth**" the phrase ";

**provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050"; and**

Further amend said title, enacting clause and intersectional references accordingly.

Senator Howard moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Flotron	Mathewson--2		
Absent with leave--Senators--None			

On motion of Senator Howard, **SCS** for **HB 1591**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Mathewson	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Maxwell moved that **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senator Rohrbach-- 1			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Rohrbach	Schneider	Steelman--3	
	Absent--Senator Clay--1		
	Absent with leave--Senators--None		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill was passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 741**, as amended, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON

#### HOUSE COMMITTEE SUBSTITUTE FOR

#### SENATE BILL NO. 741

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3, 4, and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 5 to House Committee Substitute for Senate Bill No. 741;
2. That the Senate recede from its position on House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3 and 4; and
3. That House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3 and 4, be adopted.

#### FOR THE SENATE:

/s/ Joe Maxwell  
 /s/ Ed Quick  
 /s/ Wayne Goode  
 /s/ Franc Flotron  
 /s/ Anita Yeckel

#### FOR THE HOUSE:

/s/ Gracia Backer  
 /s/ Gary Wiggins  
 /s/ Randall Relford  
 /s/ Ken Legan  
 /s/ Beth Long

Senator Maxwell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey

Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach--1

Absent--Senators

Clay Schneider--2

Absent with leave--Senators--None

On motion of Senator Maxwell, **HCS** for **SB 741**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Clay Mathewson Schneider Staples--4

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson, on behalf of the conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 788**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 788

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 788, with House Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 788, as amended;
2. That the Senate recede from its position on Senate Bill No. 788; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 788 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sidney Johnson	/s/ Joan Barry
/s/ Joe Maxwell	/s/ Harry Kennedy
/s/ Harry Wiggins	/s/ Chuck Graham
/s/ Marvin Singleton	/s/ Bill Tudor
/s/ Betty Sims	/s/ Linda Bartelsmeyer

Senator Johnson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Mathewson	Quick	Staples--4
Absent with leave--Senators--None			

On motion of Senator Johnson **CCS** for **HS** for **HCS** for **SB 788**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 788

An Act to repeal section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, relating to whistleblower and related protections for employees, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for a certain section and a termination date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob  
Klarich  
Quick  
Scott  
Steelman  
Yeckel--33

Johnson  
Mathewson  
Rohrbach  
Sims  
Stoll

Kenney  
Maxwell  
Russell  
Singleton  
Westfall

Kinder  
Mueller  
Schneider  
Staples  
Wiggins

NAYS--Senators--None  
Absent--Senator Clay--1  
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 856**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 856

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Parts I, II, IV and V of House Substitute for House Committee Substitute for Senate Bill No. 856 with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part I, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment 5, House Amendment 6, House Amendment 7, House Amendment 8, House Amendment 9, House Amendment 10, House Amendment 11 to Part II, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part IV, and House Amendment No. 1 to Part V; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 856, as amended;
2. That the Senate recede from its position on Senate Bill No. 856;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856 be adopted.

FOR THE SENATE:  
/s/ Joe Maxwell

FOR THE HOUSE:  
/s/ Tim Harlan



/s/ Harry Wiggins  
/s/ Paula J. Carter  
/s/ Marvin Singleton  
/s/ Roseann Bentley

/s/ Jim Foley  
/s/ Yvonne Wilson  
/s/ Annie Reinhart  
/s/ Charlie Shields

Senator Maxwell moved that the above conference committee report be adopted.

Senator Yeckel offered a substitute motion that the Senate refuse to adopt the conference committee report on **HS** for **HCS** for **SB 856**, as amended, and request the House to grant further conference thereon, which motion failed on a standing division vote.

Senator Stoll assumed the Chair.

At the request of Senator Maxwell, the motion to adopt the conference committee report was withdrawn.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 922**, as amended: Representatives Hagan-Harrell, Crump, Skaggs, Elliott and Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 894**, entitled:

An Act to repeal sections 53.135, 64.342, 67.1062, 67.1063, 71.285, 82.817, 140.110, 141.220, 141.540, 141.610, 178.870, 247.031, 247.050, 247.170 and 353.020, RSMo 1994, sections 64.725, 67.410, 67.1401, 67.1461, 82.300, 92.031, 135.481, 137.073, 139.031, 139.053, 140.160, 144.757, 144.759, 144.761, 247.030, 260.210, 393.705 and 393.715, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly, section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, section 301.025 as enacted by senate bill no. 19 of the first regular session of the ninetieth general assembly and section 301.025 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, relating to property ownership, and to enact in lieu thereof forty-eight new sections relating to the same subject, with an emergency clause for a certain section and an effective date for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18 and 19.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 2, Section A, Line 17 of said page, by inserting after all of said line the following:

"32.105. As used in sections 32.100 to 32.125, the following terms mean:

- (1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;
- (2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to

the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Percent of State or

Geographic Area Family

Size of Household Median Income

One Person 35%

Two Persons 40%

Three Persons 45%

Four Persons 50%

Five Persons 54%

Six Persons 58%

Seven Persons 62%

Eight Persons 66%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a

shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

**(11) "Eligible farmer's market", a group of farmers, each of whom farms agricultural land located within this state which he or she rents or owns, and who have formed a group for the purpose of allowing each member farmer to sell his or her products derived from his or her farming activities to the public at a common structure or building when at least fifty percent of the costs of such structure or building are paid for by such group of farmers;**

**(12) "Eligible new generation cooperative", as defined in section 348.340, RSMo;**

[11] **(13) "Homeless assistance pilot project", the program established pursuant to section 32.117;**

[12] **(14) "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;**

[13] **(15) "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:**

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; or

**(d) Contributing funds to help finance a building or structure or purchase equipment located within this state and used to sell agricultural food products or to add value to food products produced in this state by members of an eligible new generation cooperative; or contributing funds to help finance a building or structure or purchase equipment owned by a not-for-profit organization located within this state and used to sell agricultural food products or to add value to food products produced by family farms as defined in subdivision (4) of section 350.010, RSMo, or family farm corporations as defined in subdivision (5) of section 350.010, RSMo;**

[(14)] **(16)** "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] **(17)** "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

[(16)] **(18)** "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, **eligible farmers' markets** or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding. **The total amount of tax credits allowed for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and one-half million dollars per fiscal year for fiscal years 2002 to 2006.**"; and

Further amend said bill, Page 139, Section 260.210, Line 37 of said page, by inserting after all of said line the following:

**"261.032. The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the AgriMissouri marketing program or any equivalent successor program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**261.037. 1. There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal years 2004 to 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The**

unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the marketing division of the department of agriculture of all moneys in the Missouri agricultural products marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:

- (1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;
- (2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;
- (3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;
- (4) Providing training and technical assistance to cooperative-marketing partners.

The commission shall establish a fee structure for sellers electing to use the AgriMissouri or successor trademark associated with Missouri agricultural products. Under the fee structure: (1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark; and (2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri or successor trademark, shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark. All trademark fees shall be deposited to the credit of the Missouri agricultural products marketing development fund, created pursuant to section 261.037. The commission may also create two additional trademark labels to be associated with Missouri agricultural products which are certified organic products and certified family farm produced products.

3. The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines and fee structure established by the commission. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

**5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.**

**261.038. The marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies.**

**261.110. 1. The department of agriculture shall develop standards and labeling for organic farming.**

**2. The department of agriculture shall adopt rules to implement the provisions of this section.**

**3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 159, Section C, Line 39 of said page, by inserting after all of said line the following:

"Section D. Sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031 and 381.231, RSMo Supp. 1999, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 381.003, 381.009, 381.015, 381.018, 381.022, 381.025, 381.028, 381.032, 381.035, 381.038, 381.042, 381.045, 381.048, 381.052, 381.055, 381.058, 381.062, 381.065, 381.068, 381.072, 381.075, 381.078, 381.085, 381.088, 381.092, 381.095, 381.098, 381.102, 381.105, 381.108, 381.112, 381.115, 381.118, 381.122, 381.125, 381.410 and 381.412, to read as follows:

**381.003. 1. Sections 381.003 to 381.125 shall be known and may be cited as the "Missouri Title Insurance Act".**

**2. Sections 381.009 to 381.048 shall apply to all persons engaged in the business of title insurance in this state. Sections 381.052 to 381.112 shall apply to all title insurers engaged in the business of title insurance in this state. Sections 381.115 to 381.125 shall apply to all title agencies engaged in the business of title insurance in this state.**

**3. Except as otherwise expressly provided in this chapter and except where the context otherwise requires, all provisions of the insurance code applying to insurance and insurance companies generally shall apply to title insurance, title insurers and title agents.**

**381.009. As used in this chapter, the following terms mean:**

**(1) "Abstract of title" or "abstract", a written history, synopsis or summary of the recorded instruments affecting the title to real property;**

**(2) "Affiliate", a specific person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;**

- (3) "Affiliated business", any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency;**
- (4) "Associate", any:**
- (a) Business organized for profit in which a producer of title business is a director, officer, partner, employee or an owner of a financial interest;**
  - (b) Employee of a producer of title business;**
  - (c) Franchisor or franchisee of a producer of title business;**
  - (d) Spouse, parent or child of a producer of title insurance business who is a natural person;**
  - (e) Person, other than a natural person, that controls, is controlled by, or is under common control with, a producer of title business;**
  - (f) Person with whom a producer of title insurance business or any associate of the producer has an agreement, arrangement or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to that producer or associate for the referral of business;**
- (5) "Bona fide employee of the title insurer", an individual who devotes substantially all of his or her time to performing services on behalf of a title insurer and whose compensation for those services is in the form of salary or its equivalent paid by the title insurer;**
- (6) "Control", including the terms "controlling", "controlled by" and "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten percent or more of the voting securities of another person. This presumption may be rebutted by showing that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;**
- (7) "County" or "counties" includes any city not within a county;**
- (8) "Direct operations", that portion of a title insurer's operations which are attributable to business written by a bona fide employee;**
- (9) "Director", the director of the department of insurance, or the director's representatives;**
- (10) "Escrow", written instruments, money or other items deposited by one party with a depository, escrow agent or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;**
- (11) "Escrow, settlement or closing fee", the consideration for supervising or handling the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;**
- (12) "Financial interest", a direct or indirect legal or beneficial interest, where the holder is or will be entitled to five percent or more of the net profits or net worth of the entity in which the interest is held;**
- (13) "Foreign title insurer", any title insurer incorporated or organized pursuant to the laws of any other state**

of the United States, the District of Columbia, or any other jurisdiction of the United States;

(14) "Geographically indexed or retrievable", a system of keeping recorded documents which includes as a component a method for discovery of the documents by:

(a) Searching an index arranged according to the description of the affected land; or

(b) An electronic search by description of the affected land;

(15) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable to the director, and maintained by the insurer;

(16) "Non-U.S. title insurer", any title insurer incorporated or organized pursuant to the laws of any foreign nation or any province or territory;

(17) "Premium", the consideration paid by or on behalf of the insured for the issuance of a title insurance policy or any endorsement or special coverage. It does not include consideration paid for settlement or escrow services or noninsurance-related information services;

(18) "Producer", any person, including any officer, director or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security;

(19) "Qualified depository institution", an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed pursuant to the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(20) "Referral", the directing or the exercising of any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral;

(21) "Search", "search of the public records" or "search of title", a search of those records established by the laws of this state for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge;

(22) "Security" or "security deposit", funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage;

(23) "Subsidiary", an affiliate controlled by a person directly or indirectly through one or more intermediaries;



**(24) "Title agency" means an authorized person who issues title insurance on behalf of a title insurer. An attorney licensed to practice law in this state who issues title insurance as a part of his or her law practice, but does not maintain or operate a title insurance business separate from such law practice is not a title agency;**

**(25) "Title agent" or "agent", an attorney licensed to practice law in this state who issues title insurance as part of his or her law practice, but who is not affiliated with or acting on behalf of a title agency, or an authorized person who, on behalf of a title agency or on behalf of a title agent not affiliated with a title agency, performs one or more of the following acts in conjunction with the issuance of a title insurance commitment or policy:**

**(a) Determines insurability, based upon a review of a search of title;**

**(b) Performs searches;**

**(c) Handles escrows, settlements or closings; or**

**(d) Solicits or negotiates title insurance business;**

**(26) "Title insurance business" or "business of title insurance":**

**(a) Issuing as insurer or offering to issue as insurer a title insurance policy;**

**(b) Transacting or proposing to transact by a title insurer any of the following activities when conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy:**

**a. Soliciting or negotiating the issuance of a title insurance policy;**

**b. Guaranteeing, warranting or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases and for all liens or charges affecting the same;**

**c. Handling of escrows, settlements or closings;**

**d. Executing title insurance policies;**

**e. Effecting contracts of reinsurance; or**

**f. Abstracting, searching or examining titles;**

**(c) Guaranteeing, warranting or insuring searches or examinations of title to real property or any interest in real property;**

**(d) Guaranteeing or warranting the status of title as to ownership of or liens on real property by any person other than the principals to the transaction;**

**(e) Promising to purchase or repurchase for consideration an indebtedness because of a title defect, whether or not involving a transfer of risk to a third person; or**

**(f) Promising to indemnify the holder of a mortgage or deed of trust against loss from the failure of the borrower to pay the mortgage or deed of trust when due if the property fails to yield sufficient proceeds upon foreclosure to satisfy the debt, when one or both of the following conditions exist:**

**a. The security has been impaired by the discovery of a previously unknown property interest in favor of one who is not liable for the payment of the mortgage or deed of trust; or**

**b. Perfection of the position of the mortgage or deed of trust which was assured to exist cannot be obtained,**

notwithstanding timely recordation with the recorder of deeds of the county in which the property is located; or

(g) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subdivision in a manner designed to evade the provisions of this chapter;

(27) "Title insurance commitment" or "commitment", a preliminary report, commitment or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions and other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy. A title insurance commitment is not an abstract of title;

(28) "Title insurance policy" or "policy", a contract insuring or indemnifying owners of, or other persons lawfully interested in, real property or any interest in real property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(a) Title to the estate or interest in land being otherwise than as stated in the policy;

(b) Defects in or liens or encumbrances on the insured title;

(c) Unmarketability of the insured title;

(d) Lack of legal right of access to the land;

(e) Invalidity or unenforceability of the lien of an insured mortgage;

(f) The priority of a lien or encumbrance over the lien of any insured mortgage;

(g) The lack of priority of the lien of an insured mortgage over a statutory lien for services, labor or material;

(h) The invalidity or unenforceability of an assignment of the insured mortgage; or

(i) Rights or claims relating to the use of or title to the land;

(29) "Title insurer" or "insurer", a company organized pursuant to laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in this state to transact the business of title insurance;

(30) "Title plant", a set of records encompassing at least the most recent forty-five years, consisting of documents, maps, surveys or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained. The records in the title plant shall be geographically indexed or retrievable as to those records containing a legal description of affected land, and otherwise by name of affected person;

(31) "Underwrite", the authority to accept or reject risk on behalf of the title insurer.

[381.011. 1. Sections 381.011 to 381.241 shall be known and may be cited as the "Missouri Title Insurance Act".

2. The purpose of sections 381.011 to 381.241 is to provide the state of Missouri with a comprehensive body of law for the effective regulation and supervision of title insurance business transacted within this state in response to the McCarran-Ferguson Act, Sections 1011-1015, Title 15, United States Code.]

**381.015. 1. When a title insurance commitment issued by a title insurer, title agency or title agent includes an offer to issue an owner's policy covering the resale of owner-occupied residential property, the commitment shall incorporate the following statement in bold type:**

**"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and**

should be carefully considered."

2. A title insurer, title agency or title agent issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage-lender, and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased. The notice shall explain what a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy. The notice shall also explain that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages are or amount of insurance is not then known. A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least fifteen years after the effective date of the policy.

3. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

381.018. 1. The title insurer shall not allow the issuance of its commitments or policies by a title agency or title agent not affiliated with a title agency unless there is in force a written contract between the parties which sets forth the responsibilities of each party or, where both parties share responsibility for particular functions, specifies the division of responsibilities.

2. For each title agency or title agent not affiliated with a title agency under contract with the insurer, the title insurer shall have on file a statement of financial condition, of each title agency or title agent as of the end of the previous calendar or fiscal year setting forth an income statement of business done during the preceding year and a balance sheet showing the condition of its affairs as of the close of the prior year, certified by the agency or agent as being a true and accurate representation of the agency's or agent's financial condition. The statement shall be filed with the insurer no later than the date the agency's or agent's federal income tax return for the same year is filed. Attorneys actively engaged in the practice of law, in addition to that related to title insurance business, are exempt from the requirements of this subsection.

3. The title insurer shall conduct reviews of the underwriting, claims and escrow practices of its agencies and agents which shall include a review of the agency's or agent's policy blank inventory and processing operations. If any such title agency or title agent does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or title agent not affiliated with a title agency. The title insurer shall conduct a review of each of its agencies and agents at least triennially commencing January first of the year first following the effective date of sections 381.003 to 381.125.

4. Within thirty days of executing or terminating a contract with a title agency or title agent not affiliated with a title agency, the insurer shall provide notification of the appointment or termination and the reason for termination to the director. Notices of appointment of a title agency or title agent shall be made on a form promulgated by the director.

5. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency.

6. The title insurer shall have on file proof that the title agency or title agent is licensed by this state.

7. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency.

8. Each violation of any provision of this section is a class B violation as that term is defined in section 381.045.

[381.021. 1. Sections 381.011 to 381.241 shall apply to all persons engaged in the business of title insurance in this state.

2. Except as otherwise expressly provided in sections 381.011 to 381.241, and except where the context otherwise requires, all provisions of the insurance laws of this state applying to insurance and insurance companies generally shall apply to title insurance and title insurance companies. No law of this state enacted after September 28, 1987, that is inconsistent with the provisions of such sections shall be applicable to the business of title insurance unless such law specifically states that it is to be applicable to the business of title insurance.

3. Nothing in sections 381.011 to 381.241 shall be construed to authorize the practice of law by any person who is not duly admitted to practice law in this state nor shall it be construed to authorize the director to regulate the practice of law or the sale of real estate.]

**381.022. 1. A title insurer, title agency or title agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, provided that:**

**(1) All funds deposited with the title insurer, title agency or title agent not affiliated with a title agency in connection with any escrow, settlement, closing or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the next business day after receipt, in accordance with the following requirements:**

**(a) The funds shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, security deposit or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit or closing in the records of the title insurer, title agency or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and in accordance with the terms of the individual instructions or agreements under which the funds were accepted; and**

**(b) The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted;**

**(2) Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or pursuant to an order of a court of competent jurisdiction;**

**(3) Funds held in a security deposit account shall be disbursed only pursuant to a written agreement specifying:**

**(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;**

**(b) The duties of the title insurer, title agency or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and**

**(c) Any other provisions the director may require;**

**(4) Any interest received on funds deposited in connection with any escrow, settlement, security deposit or closing may be retained by the title insurer, title agency or title agent not affiliated with a title agency as compensation for administration of the escrow or security deposit, unless the instructions for the funds or a governing statute provides otherwise;**

**(5) Each violation of this subsection is a class A violation as that term is defined in section 381.045.**

**2. The title agency or title agent not affiliated with an agency shall cooperate with its underwriters in the conduct by the underwriters of reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts. The title insurer shall provide a copy of the report of each such review it performs to the director. The director may promulgate rules setting forth the minimum threshold level at which a review would**

be required, the standards thereof and the form of report required.

**3. If the title agency or title agent not affiliated with an agency is appointed by two or more title insurers and maintains fiduciary trust accounts in connection with providing escrow or closing settlement services, the title agency or title agent shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information in order to ascertain the safety and security of the funds held by the title agency or title agent.**

**4. (1) Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction in which a title insurer, title agency or title agent not affiliated with a title agency is the settlement agent, provided all parties to whom payment will become due upon such recording consent thereto in writing;**

**(2) The settlement agent shall record all deeds and security instruments for real estate closings handled by it within three business days after completion of all conditions precedent thereto;**

**(3) Each violation of this subsection is a class C violation as that term is defined in section 381.045.**

**381.025. 1. A title insurer, title agency, title agent or other person shall not give or receive, directly or indirectly, any consideration for the referral of title insurance business or escrow or other service provided by a title insurer, title agency or title agent. Each violation of this subsection is a class A violation as that term is defined in section 381.045.**

**2. Any title insurer, title agency or title agent doing business in the same county as a title insurer, title agency or title agent who may be in violation of the prohibitions or limitations of this section shall have standing to seek injunctive relief against the violating title insurer, title agency or title agent in the event the department declines or fails to enforce this section within forty-five days following receipt of written notice of such violation. In any action pursuant to this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.**

**381.028. No title insurer, title agency or title agent shall participate in any transaction in which it knows that a producer or other person requires, directly or indirectly, or through any trustee, director, officer, agent, employee or affiliate, as a condition, agreement or understanding to selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title agency or agent. Each violation of this section is a class A violation as that term is defined in section 381.045.**

[381.031. As used in sections 381.011 to 381.241, the following terms mean:

(1) "Alien title insurer", any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof;

(2) "Applicant", a person, whether or not a prospective insured, who applies to a title insurer or title agent, or agency for a title insurance policy and who, at the time of the application, is not a title agent or agency;

(3) "Approved attorney", an attorney at law who is not an agent or employee of a title insurer, and whose certification as to status of title a title insurer is willing to accept as the basis for issuance of its title insurance policy;

(4) "Charge", any fee billed by a title agent, agency, or title insurer for the performance of services other than fees that fall within the definition of premium in this section. "Charge" includes, but is not limited to, fees for document preparation, fees for the handling of escrows, settlements, or closing, and fees for services commenced but not completed. "Charge" does not include fees collected by a title insurer, title agency, or title agent in an escrow, settlement or closing when the fees are limited to the amount billed for services rendered by an entity independent of the title insurer, title agent, or agency;

- (5) "Controlled business", any portion of a title insurer's, title agency's or title agent's business of title insurance in this state, referred to it by any producer of title business or by any associate of such producer, where the producer of title business, the associate, or both, have a financial interest in the title insurer, title agency, or title agent to which business is referred;
- (6) "Director", the director of the department of insurance;
- (7) "Domestic title insurer", a title insurer organized under the laws of this state;
- (8) "Escrow, settlement or closing fee", the consideration for supervising the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;
- (9) "Financial interest", any interest, legal or beneficial, that entitles the holder directly or indirectly to one percent or more of the net profits or net worth of the entity in which the interest is held, but does not include payments of principal or interest made to a mortgage holder of the title agency;
- (10) "Foreign title insurer", any title insurer organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;
- (11) "Gross operating revenue", all amounts received by a title insurer, title agency, or title agent from premiums and charges;
- (12) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded reinsured liability, if any;
- (13) "Person", any natural person, partnership, association, cooperative, corporation, trust, or other legal entity;
- (14) "Premium", risk rates charged to the insured;
- (15) "Producer of title business" or "producer", any person, including any officer, director, or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:
- (a) Buying or selling interests in real property;
  - (b) Making loans secured by interests in real property; or
  - (c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with such interest as security;
- (16) "Single risk", the insured amount of any title insurance policy, except that where two or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgagee title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy;
- (17) "Title agent" or "title insurance agent", any authorized agent of a title insurer or representative of the title agent or agency, who acts as a title agent in the solicitation of, negotiation for, or procurement or making of any title insurance contract. The following persons are not title agents or title insurance agents:
- (a) Approved attorneys;
  - (b) Salaried officers or employees of title insurers, title agents or title insurance agencies who do not do any of the following:
    - a. Establish premiums for policies of title insurance;

b. Determine insurability; or

c. Issue commitments, policies or other contracts of title insurance;

(18) "Title insurance agency" or "agency", any individual transacting or doing business under any name other than his true name, any partnership, unincorporated association or corporation, transacting or doing business with the public or title insurance companies as a title insurance agent;

(19) "Title insurance business" or "business of title insurance" means:

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer, title agency, or title agent any of the following activities when conducted or performed by a title agent, title agency, or title insurer in conjunction with the issuance of its title insurance:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting, or otherwise insuring the correctness of title searches;

c. Handling of escrows, settlements, or closings;

d. Execution of title insurance policies, reports, commitments, binders, and endorsements;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching, or examining titles;

(c) Transacting by a title insurer, title agent, or agency of matters subsequent to the issuance of a title insurance policy and arising out of it; or

(d) Doing or proposing to do any business in substance equivalent to any of the foregoing in order to evade any provision of this act;

(20) "Title insurance policy" or "policy", a contract insuring or indemnifying against loss or damage arising from any or all of the following:

(a) Defects in or liens or encumbrances on the insured title;

(b) Unmarketability of the insured title; or

(c) Invalidity or unenforceability of liens or encumbrances on the stated property. "Title insurance policy" does not include a preliminary report, binder, commitment, or abstract;

(21) "Title insurer", a company organized under laws of this state for the purpose of transacting as insurer the business of title insurance and any foreign or alien title insurer engaged in this state in the business of title insurance as insurer;

(22) "Title plant", an index of the records of a county which imparts constructive notice to purchasers of real property, which encompasses at least the most recent forty-five years. The index shall be kept geographically as to those records containing a legal description of affected land, and otherwise by name of affected person.]

**381.032. 1. No title insurer, may charge any rates regulated by the state after the effective date of sections 381.003 to 381.125, except in accordance with the premium rate schedule and manual filed with and approved by the director in accordance with applicable statutes and regulations governing rate filings. Premium rate schedules in effect prior to the effective date of sections 381.003 to 381.125 may be used until new rate schedules**

have been approved by the director. Title insurers shall file their premium rate schedules within thirty days after the effective date of sections 381.003 to 381.125. Each violation of this subsection is a class C violation as that term is defined in section 381.045. Nothing in this section shall prevent an agent not affiliated with an agency from charging for services that constitute the practice of law at the customary fee charged by such person for legal services. To the extent the premium fails to compensate the agent at such rate, the agent may render an additional bill for such services on behalf of the agent's law practice or law firm. The acceptance of any part of the premium by the law firm of said agent shall not be a violation of any provision of the Missouri Title Insurance Act or the general insurance statutes, regulations or bulletins regarding payment of commissions to nonlicensed entities.

**2.** The director may establish rules, including rules providing statistical plans, for use by all title insurers, title agencies and title agents in the recording and reporting of revenue, loss and expense experience in such form and detail as is necessary to aid the director in the establishment of rates and fees.

**3.** The director may require that the information provided pursuant to this section be verified by oath of the insurer's or agency's president or vice president or secretary or actuary, as applicable. The director may further require that the information required pursuant to this section be subject to an audit conducted at the expense of the title insurer or title agency by an independent certified public accountant. The director shall have the authority to establish a minimum threshold level at which an audit would be required.

**4.** Information filed with the director relating to the experience of a particular agency shall be kept confidential unless the director finds it in the public interest to disclose the information required of title insurers or title agencies pursuant to this section. Prior to any such disclosure of confidential information, the director shall provide notice and opportunity to be heard to the title insurers and title agencies who would be affected thereby.

**381.035.** No title insurance company, title agency or title agent shall willfully withhold information from, or knowingly give false or misleading information to the director, or to any title insurance rating organization, of which the title insurance company is a member or subscriber, which will affect the rates or fees chargeable pursuant to this chapter. Each violation of this section is a class A violation as that term is defined in section 381.045.

**381.038. 1.** Evidence of the examination of title and determination of insurability generated by a title insurer engaged in direct operations, title agency or title agent shall be preserved and maintained by such insurer, agency or agent for as long as appropriate to the circumstances but, in no event less than fifteen years after the title insurance policy has been issued.

**2.** Records relating to escrow and security deposits shall be preserved and retained by a title insurer engaged in direct operations, title agency and title agent for as long as appropriate to the circumstances but, in no event less than five years after the escrow or security deposit account has been closed.

**3.** This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.

**4.** Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

[381.041. 1. No person other than a domestic, foreign, or alien title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

**2.** Each title insurer may engage in the title insurance business in this state if licensed to do so by the director and provide any other service related or incidental to the sale and transfer or financing of property.

**3.** A title insurer shall maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.]

**381.042. 1.** The director may issue rules, regulations and orders necessary to carry out the provisions of this



**chapter.**

**2. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**381.045. 1. If the director determines that the title insurer or any other person has violated this chapter, or any regulation or order promulgated thereunder, after notice and opportunity to be heard, the director may order:**

**(1) For each violation a monetary penalty which shall take into account the harm the violation caused or could have caused or potential harm to the public and which shall not exceed:**

**(a) One thousand dollars per violation for a class A violation;**

**(b) Five hundred dollars per violation for a class B violation; and**

**(c) One hundred dollars per violation for a class C violation;**

**(2) Revocation or suspension of the title insurer's license; or**

**(3) Both monetary penalty and revocation or suspension.**

**2. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the insurance code.**

**3. Nothing contained in this chapter is intended to or shall in any other manner limit or restrict the rights of policyholders, claimants and creditors.**

**381.048. The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2607, as amended.**

[381.051. 1. A title insurer, before issuing any title insurance policy covering property located in this state, shall deposit with the director of the department of insurance, hereinafter referred to as the director, a sum of four hundred thousand dollars, which shall be held for the security and protection of the holders or beneficiaries under its title insurance policies.

2. Assets deposited pursuant to this section may, with the approval of the director, be exchanged from time to time for other assets that qualify under subsection 3 of this section.

3. The depositing title insurer shall receive the income, interests, and dividends on any assets deposited. The deposit required under this section may be made in legal tender or in investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus. For capital and reserve deposits, sums deposited pursuant to this section shall be valued at their market value.

4. A title insurer that has deposited assets pursuant to this section may, with the approval of the director, withdraw any part of the assets so deposited. If any such title insurer continues to engage in the business of title insurance, it shall not be permitted to withdraw assets that would reduce the amount of its deposits below the amount required by subsection 1 of this section.

5. In lieu of such a deposit maintained in this state, the director shall accept a certificate or certificates in proper form of the public officer or officers having general supervision of title insurers in its state of domicile to the effect that a deposit or total deposits, in an equal or greater amount, in classes of investment authorized in such state, are being maintained for like purposes in public custody or control pursuant to the laws of such state on behalf of the title insurer.

6. If sections 381.011 to 381.241 require a greater amount of capital and surplus or deposits than that required of a title insurer prior to September 28, 1987, such title insurer shall have three years after September 28, 1987, to comply with

any such increased requirement.

7. The provisions of sections 375.950 to 375.990, RSMo, shall apply to the impairment of capital, liquidation, and rehabilitation of title insurers.]

**381.052. No person other than a domestic, foreign or non-U.S. title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.**

**381.055. Subject to the exceptions and restrictions contained in this chapter, a title insurer shall have the power to:**

**(1) Do only title insurance business;**

**(2) Reinsure title insurance policies; and**

**(3) Perform ancillary activities, unless prohibited by the director, including examining titles to real property and any interest in real property and procuring and furnishing related information and information about relevant personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy.**

**381.058. 1. No insurer that transacts any class, type or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten or issued by any insurer transacting or licensed to transact any other class, type or kind of business.**

**2. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages.**

**3. (1) Notwithstanding subsection 1 of this section, and to the extent such coverage is lawful within this state, a title insurer is expressly authorized to issue closing or settlement protection to a proposed insured upon request if the title insurer issues a commitment, binder or title insurance policy. Such closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the director and may indemnify a proposed insured solely against loss of settlement funds only because of the following acts of a title insurer's named title agency or title agent:**

**(a) Theft of settlement funds; and**

**(b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage;**

**(2) The director may promulgate or approve a required charge for providing the coverage;**

**(3) A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.**

**[381.061. 1. The net retained liability of a title insurer for a single risk on property located in this state, whether assumed directly or as reinsurance, may not exceed fifty percent of the sum of its total surplus to policyholders and unearned premium reserve, less the admitted asset value assigned to title plants, as shown in the most recent annual statement of the title insurer on file in the office of the director.**

**2. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.]**

**381.062. Before being licensed to do an insurance business in this state, a title insurer shall establish and maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in**

**initial surplus of at least four hundred thousand dollars.**

**381.065. 1. The net retained liability of a title insurer for a single risk in regard to property located in this state, whether assumed directly or as reinsurance, shall not exceed the aggregate of fifty percent of surplus as regards policyholders plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the director.**

**2. For purposes of this chapter:**

**(1) A single risk shall be the insured amount of any title insurance policy, except that, where two or more title insurance policies are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the title insurance policies; and**

**(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.**

**3. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.**

**4. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.**

**381.068. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general investment provisions of sections 376.300 to 376.305, RSMo, shall apply; except that, an investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed fifty percent of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the director.**

**381.072. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general provisions of the insurance code requiring the establishment of reserves sufficient to cover all known and unknown liabilities including allocated and unallocated loss adjustment expense, shall apply; except that, a title insurer shall establish and maintain:**

**(1) (a) A known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims and allocated loss adjustment expenses arising under title insurance policies for which the title insurer may be liable, and for which the insurer has discovered or received notice by or on behalf of the insured or escrow or security depositor;**

**(b) Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim;**

**(c) Reserves required pursuant to this section may be revised from time to time and shall be redetermined at least once each year;**

**(2) A statutory or unearned premium reserve established and maintained as follows:**

**(a) A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the**

**title insurer in its financial statements;**

**(b) The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured;**

**(c) The unearned premium reserve shall consist of:**

**a. The amount of the unearned premium reserve on the effective date of sections 381.003 to 381.125; and**

**b. A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after the effective date of sections 381.003 to 381.125;**

**(d) Amounts placed in the unearned premium reserve in any year in accordance with paragraph (c) of subdivision (2) of this section shall be deducted in determining the net profit of the title insurer for that year;**

**(e) A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before the effective date of sections 381.003 to 381.125 shall be released in accordance with the law in effect immediately before the effective date of sections 381.003 to 381.125;**

**(f) a. Each domestic and foreign title insurer shall file annually with the audited financial report required pursuant to section 375.1032, RSMo, an actuarial certificate made by a member in good standing of the American Academy of Actuaries, or by an actuary permitted to make such certificate by the commissioner, superintendent or director of the department of insurance of the state of incorporation of a foreign title insurer;**

**b. The actuarial certification shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. The reserves analyzed pursuant to this section shall include reserves for known claims, including adverse developments on known claims, and reserves for incurred but not reported claims;**

**(g) a. Each domestic and foreign title insurer shall establish a supplemental reserve in the amount by which the actuarially certified reserves exceed the total of the known claim reserve and statutory premium reserve as set forth in the title insurer's annual financial report, subject to subdivision (2) of this section;**

**b. The supplemental reserve required pursuant to this section shall be phased in as follows:**

**i. Twenty-five percent of the otherwise applicable supplemental reserve is required until December thirty-first of the year next following the effective date of sections 381.003 to 381.125;**

**ii. Fifty percent of the otherwise applicable supplemental reserve is required until December thirty-first of the second year following the effective date of sections 381.003 to 381.125;**

**iii. Seventy-five percent of the otherwise applicable supplemental reserve is required until December thirty-one of the third year following the effective date of sections 381.003 to 381.125;**

**iv. One hundred percent of the supplemental reserve is required after December thirty-first of the fourth year**

following the effective date of sections 381.003 to 381.125.

**381.075. 1. Sections 375.570 to 375.750 and sections 375.1150 to 375.1246 shall apply to all title insurers subject to the title insurance act, except as otherwise provided in this section. In applying such sections, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.**

**2. Security and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured claims as defined in section 375.1152, RSMo.**

**3. Title insurance policies that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.**

**4. The court may set appropriate dates that potential claimants must file their claims with the liquidator. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.**

**5. As of the date of the order of insolvency or liquidation, all premiums paid, due or to become due under policies of the title insurers, shall be fully earned. It shall be the obligation of title agencies, title agents, insureds or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.**

**381.078. A title insurer shall only declare or distribute a dividend to shareholders with the prior written approval of the director, as would be permitted pursuant to subdivision (1) of subsection 1 of section 382.210, RSMo.**

[381.081. 1. A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements.

2. The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured.

3. A foreign or alien title insurer licensed to transact title insurance business in this state shall maintain at least the same reserves on title insurance policies issued on properties located in this state as are required of domestic title insurers, unless the laws of the jurisdiction of domicile of the foreign or alien title insurer require a higher amount.

4. The unearned premium reserve shall consist of:

(1) The amount of the unearned premium reserve on September 28, 1987; and

(2) A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after September 28, 1987.

5. Amounts placed in the unearned premium reserve in any year in accordance with subdivision (2) of subsection 4 of this section shall be deducted in determining the net profit of the title insurer for that year.

6. A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was

added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before September 28, 1987, shall be released in accordance with the law in effect immediately before September 28, 1987.]

**381.085. 1. A title insurer or authorized rate service organization shall not deliver or issue for delivery or permit any of its authorized title agencies or title agents to deliver in this state, any form, in connection with title insurance written, unless it has been filed with the director and approved by the director or thirty days have elapsed and it has not been disapproved as misleading or violative of public policy. Each violation of this subsection is a class C violation as that term is defined in section 381.045.**

**2. Forms covered by this section shall include:**

- (1) Title insurance policies, including standard form endorsements; and**
- (2) Title insurance commitments issued prior to the issuance of a title insurance policy.**

**3. After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for approval, the director may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than ninety days after notice of withdrawal is given.**

**4. Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or inspection or survey of a property to be insured, may only be included in the policy after the term, condition or exception has been filed with the director and approved as herein provided.**

**381.088. 1. A title insurer may satisfy its obligation to file premium rates, rating manuals and forms as required by this chapter by becoming a member of, or a subscriber to, a rate service organization, organized and licensed pursuant to the provisions of this chapter, where the organization makes the filings, and by authorizing the director in writing to accept the filings on the insurer's behalf.**

**2. Nothing in this chapter shall be construed as requiring any title insurer, title agency or title agent to become a member of, or a subscriber to, any rate service organization. Nothing in this chapter shall be construed as prohibiting the filing of deviations from rate service organization filings by any member or subscriber.**

[381.091. 1. If a domestic title insurer becomes insolvent, is in the process of liquidation or dissolution, or is in the possession of the director:

(1) Such amount of the assets of such title insurer equal to the unearned premium reserve then remaining may be used by or with the written approval of the director to pay for reinsurance of the liability of such title insurer upon all outstanding title insurance policies or reinsurance agreements to the extent to which claims for losses by the holders thereof are not then pending. The balance of assets, if any, equal to the unearned premium reserve, may then be transferred to the general assets of the title insurer;

(2) The net assets of the unearned premium reserve shall be available to pay claims for losses sustained by holders of title insurance policies then pending or arising up to the time reinsurance is effected. If claims for losses exceed such other assets of the title insurer, such claims, when established, shall be paid pro rata out of the surplus assets attributable to the unearned premium reserve to the extent of such surplus, if any.

2. If reinsurance is not obtained, assets equal to the unearned premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held and invested by the director for twenty years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of the trust fund shall, at the expiration of twenty years, revert to the general assets of the title insurer.]

**381.092. 1. Every title insurer that shall propose its own premium rates and every title insurance rating organization shall propose premium rates that are not excessive nor inadequate for the safety and soundness of any title insurer, which do not unfairly discriminate between risks in this state which involve essentially the same exposure to loss and expense elements, and which shall give due consideration to the following matters:**

- (1) The desirability for stability and responsiveness of rate structures;**
- (2) The necessity of assuring the financial solvency of title insurance companies in periods of economic depression;**
- (3) The necessity for paying dividends on the capital stock of title insurance companies sufficient to induce capital to be invested therein; and**
- (4) A reasonable level of profit for the insurer.**

**2. Every title insurer that shall propose its own rates and every title insurance rating organization may adopt basic classifications of policies or contracts of title insurance which shall be used as the basis for rates.**

**381.095. 1. If the director shall find in his review of rate filings that the filings provide for, result in, or produce rates that are not unreasonably high, and are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this state involving essentially the same hazards and expense elements, the director shall approve such rates. Prior to such approval the director may conduct a public hearing with respect to a rate filing. An approval shall continue in effect until the director shall issue an order of disapproval pursuant to the requirements and procedure provided for in subsections 2 and 3 of this section.**

**2. Upon the review at any time by the director of a rate filing, the director shall, before issuing an order of disapproval, hold a hearing upon not less than ten days' written notice, specifying in reasonable detail the matters to be considered at such hearing, to every title insurer and title insurance rating organization which made such filing, and if, after such hearing, the director finds that such filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that it so fails, and stating when, within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. A title insurer or title insurance rating organization shall have the right at any time to withdraw a filing or a part thereof, subject to the provisions of section 381.102, in the case of deviation filing. Copies of the order shall be sent to every title insurer and title insurance rating organization affected. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.**

**3. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the director for a hearing thereon. The title insurance company or title insurance rating organization that made the filing shall not be authorized to proceed pursuant to this subsection. Such application shall specify in reasonable detail the grounds to be relied upon by the applicant. If the director shall find that the application is made in good faith, that the applicant would be so aggrieved if his or her grounds are established, and that such grounds otherwise justify holding such a hearing, the director shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every title insurance company and title insurance rating organization which made such a filing. If, after such hearing, the director finds that the filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that such filing or a part thereof fails to meet the requirements of this chapter, stating when within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. Copies of such order shall be sent to the applicant and to every such title insurer and title insurance rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.**

**381.098. 1. A corporation, an unin-corporated association, a partnership or an individual, whether located within or outside this state, may make application to the director for license as a rating organization for title insurers, and shall file therewith:**

- (1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;**
- (2) A list of its members and subscribers;**
- (3) The name and address of a resident of this state upon whom notices or orders of the director or process affecting such rating organization may be served; and**
- (4) A statement of its qualifications as a title insurance rating organization.**

**2. If the director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, conform to requirements of law, the director shall issue a license authorizing the applicant to act as a rating organization for title insurance. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the director or withdrawn by the licensee. The fee for such license shall be one thousand five hundred dollars. Licenses issued pursuant to this section may be suspended or revoked by the director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the director promptly of every change in:**

- (1) Its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;**
- (2) Its list of members and subscribers; and**
- (3) The name and address of the resident of this state designated by it upon whom notices or orders of the director or process affecting such rating organization may be served.**

**3. Subject to rules and regulations which have been approved by the director as reasonable, each title insurance rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Notices of proposed changes in such rules and regulations shall be given to subscribers. Each such rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any such rating organization to admit a title insurance company as a subscriber, shall at the request of any subscriber or any such title insurance company, be reviewed by the director at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber. If the director finds that such rule or regulation is unreasonable in its application to subscribers, the director shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within thirty days after it was made, the title insurance company may request a review by the director as if the application had been rejected. If the director finds that the title insurance company has been refused admittance to the title insurance rating organization as a subscriber without justification, the director shall order such rating organization to admit the title insurance company as a subscriber. If the director finds that the action of the title insurance rating organization was justified, the director shall make an order affirming its action.**

[381.101. 1. All title insurers licensed in this state shall establish and maintain reserves against unpaid losses and loss expenses.

2. Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim.

3. Reserves required under this section may be revised from time to time and shall be redetermined at least once each



year.]

**381.102.** Every member of or subscriber to a title insurance rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company which is a member of or subscriber to such a rating organization may file with the director a uniform percentage of decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance which is found by the director to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area, or otherwise deviate from the rating plans, policy forms or other matters which are the subject of filings pursuant to this chapter. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the deviation filing and data shall be sent simultaneously to such rating organization. Deviation filings shall be subject to the provisions of section 381.095.

**381.105. 1.** Any member of or subscriber to a title insurance rating organization may appeal to the director from any action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization, and the director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal and to take action or make a decision upon it within thirty days. If such appeal is from the action or decision of the title insurance rating organization in rejecting a proposed addition to its filings, the director may, in the event the director finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with the director's findings, within a reasonable time after the issuance of such order. If the appeal is from the action of the title insurance rating organization with regard to a rate or a proposed change in or addition to its filings relating to the character and extent of coverage, the director shall approve the action of the rating organization or such modification thereof as shall have been suggested by the appellant if either be made in accordance with this chapter.

**2.** The failure of a title insurance rating organization to take action or make a decision within thirty days after submission to it of a proposal pursuant to this section shall constitute a rejection of such proposal within the meaning of this section. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense allocation which differs from the system of expense allocation included in a filing made by such rating organization, the director shall, if the director grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the director shall apply the standards set forth in section 381.032.

**381.108. 1.** The director shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with the department, which may be modified from time to time, and which shall be used thereafter by each title insurer, in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurer may be made available, at least annually, in such form and detail as may be necessary to aid him or her in determining whether rating systems comply with the standards set forth in this chapter. Such rules and plans may also provide for the recording of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the director shall give due consideration to the rating systems on file with the department, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. Such rules and plans shall not place an unreasonable burden of expense on any title insurer. No title insurer shall be required to record or report its expense and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurer be required to report the experience to any agency of which it is not a member or subscriber. The director may designate one or more rating organizations or other agencies to assist the director in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the director, to title insurers and rating organizations. The director shall give preference in such designation to entities organized by and functioning on

behalf of title insurers operating in this state. If the director, in his or her judgment, determines that one or more of such organizations designated as statistical agent is unable or unwilling to perform its statistical functions according to reasonable requirements established from time to time by the director, he or she may, after consultation with such statistical agent and upon twenty days' notice to any affected companies, designate another person to act on the director's behalf in the gathering of statistical experience. The director shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the director shall assist the director in making compilations of the reported data and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the director, to insurers, rating organizations and any other interested parties.

**2. Reasonable rules and plans may be promulgated by the director for the interchange of data necessary for the application of rating plans.**

**3. In order to further uniform administration of rate regulatory laws, the director and every title insurer and rating organization may exchange information and experience data with insurance supervisory officials, title insurers and rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.**

**4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

[381.111. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.]

**381.112. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall mean the amount of premium actually remitted to the title insurer and shall exclude any amount of premium retained by the title agent within the definition of "premium" contained in section 381.009.**

**381.115. 1. A person shall not act in the capacity of a title agency or title agent and a title insurer may not contract with any person to act in the capacity of a title agency or title agent with respect to risks located in this state unless the person is a licensed title agency or title agent in this state.**

**2. An individual employed by a licensed title agency or title agent to whom the agency or agent delegates authority to act on that agency's or agent's behalf shall be either individually licensed or be named on the employing agent's license if such employee performs any of the functions defined in paragraph (a) of subdivision (25) of section 381.009. Each person named on the license shall possess all qualifications determined by the director to be appropriate. The director may adopt rules, regulations, and requirements relating to licensing and practices of persons acting in the capacity of title agencies or agents. These persons may include title agencies, title agents, employees of either, and persons acting on behalf of title agencies or title agents. This subsection is not intended to include persons performing clerical functions.**

**3. Every title agency licensed in this state shall:**

**(1) Exclude or eliminate the word insurer or underwriter from its business name, unless the word agency is also included as part of the name; and**

**(2) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer requests in order to comply with reporting requirements of the director.**

**4. A title agency or title agent licensed in this state prior to the effective date of this chapter shall have ninety**

days after the effective date of this chapter to comply with the requirements of this section.

5. If the title agency or title agent delegates the title search to a third party, such as an abstract company, the agency or agent must first obtain proof that the third party is operating in compliance with rules and regulations established by the director and the third party shall provide the agency or agent and the insurer with access to and the right to copy all accounts and records maintained by the third party with respect to business placed with the title insurer. Proof from the third party may consist of a signed statement indicating compliance, and shall be effective for a three-year period. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

381.118. 1. Each title agent licensed to sell title insurance in this state, unless exempt pursuant to subsection 8 of this section, shall successfully complete courses of study as required by this section. Any person licensed to act as a title agent shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of eight hours of instruction. The initial such two-year period shall begin January first of the year next following the effective date of this chapter.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

(1) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(2) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized agents' association or insurance trade association. A local agents' group may also be approved if the instructor receives no compensation for services;

(3) Courses approved for continuing legal education credit by the Missouri Bar.

3. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess classroom hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

(3) Residence outside the United States; or

(4) Licensee is at least seventy years of age and is currently licensed as a title agent.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. A filing fee shall be paid by the person furnishing the report as determined by the director to be necessary to cover the administrative cost related to the handling of such certification reports, subject to the limitations imposed in subsection 9 of this section.

**7. The provisions of this section shall not apply to those natural persons holding or applying for a license to act as a title agent in Missouri who reside in a state that has enacted and implemented a mandatory continuing education law or regulation pertaining to the title agents. However, those natural persons holding or applying for a Missouri agent license who reside in states which have no mandatory continuing education law or regulations shall be subject to all the provisions of this section to the same extent as resident Missouri title agents.**

**8. Rules necessary to implement and administer this section shall be promulgated by the director of the department of insurance, including, but not limited to, rules regarding the following:**

**(1) The insurance advisory board established by section 375.019, RSMo, shall be utilized by the director to assist the director in determining acceptable content of courses, programs and seminars to include classroom equivalency;**

**(2) Every applicant seeking approval by the director of a continuing education course pursuant to this section shall pay to the director a filing fee of fifty dollars per course, except that such total fee shall not exceed two hundred fifty dollars per year for any single applicant. Fees shall be waived for local agents' groups if the instructor receives no compensation for services. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval;**

**(3) The director has the authority to determine the amount of the filing fee to be paid by title agents at the time of license renewal, which shall be set at an amount to produce revenue which shall not substantially exceed the cost of administering this section, but in no event shall such fee exceed ten dollars per biennial report filed.**

**9. All funds received pursuant to the provisions of this section shall be transmitted by the director of the department of insurance to the department of revenue for deposit in the state treasury to the credit of the department of insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the department of insurance dedicated fund by the legislature.**

**10. When a title agent pays his or her biennial renewal fee, such agent shall also furnish the written certification and filing fee required by this section.**

**11. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

[381.121. 1. The deposit required by section 381.051 and the capital, surplus and unearned premium reserve of domestic title insurers shall be held in either cash or investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus for reserve deposit.

2. A domestic title insurer may invest in title plants. For purposes of determining the financial condition of such title insurer, title plants will be treated as an asset valued at actual cost to the title insurer, not to exceed fifty percent of the surplus as to policyholders as shown on the most recent annual statement of the title insurer.

3. Any investment of a domestic title insurer acquired before September 28, 1987, and which under such sections, would be considered ineligible as an investment on that date, shall be disposed of within five years of September 28, 1987. The director, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurer or its policyholders, may extend the period for disposal of the investment for a reasonable time.]

**381.122. The director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency pursuant to this chapter.**

**381.125. 1. Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title agency or title agent shall ensure that its customer has been provided with disclosure of the**

existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title agency or agent.

**2. The director may establish rules for use by all title agencies in the recording and reporting of the agency's owners and of the agency's ownership interests in other persons or businesses and of material transactions between the parties.**

**3. The director may require each title agency to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the agency and who the agency knows or has reason to believe are producers of title insurance business or associates of producers.**

**4. Nothing in this chapter shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:**

**(1) The title agency, title agent or party making a referral constituting affiliated business, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;**

**(2) The person being referred is not required to use a specified title insurance agency, agent or insurer; and**

**(3) The only thing of value that is received by the title agency, title agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest. For purposes of this subsection, the terms "required use" and "return on an ownership interest" shall have the meaning accorded to them under the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Section 2607, as amended and Regulation X, 24 C.F.R. Section 3500, et seq.**

**5. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.**

[381.131. Any person who shall be appointed or who shall act as title insurance agent or agency for any title insurance company within this state, or who shall, as title insurance agent or agency, solicit applications, deliver policies and collect premiums thereon, or who shall receive or collect moneys from any source or on any account whatsoever, as agent or agency, for a title insurance company doing business in this state, shall be held responsible in a trust or fiduciary capacity to the company for any money so collected or received by him for such company.]

[381.141. 1. No title insurer or title agent or agency shall:

**(1) Pay, directly or indirectly, to the insured or to any other person any commission, any part of its premiums, fees, or other charges; or any other consideration as inducement or compensation for the referral of title business or for performance of any escrow or other service by the title agent or agency; or**

**(2) Issue any title insurance policy or perform any service in connection with any transaction in which it has paid or intends to pay any commission, rebate or inducement which it knows to be in violation of this section.**

**2. Nothing in this section shall be construed as prohibiting reasonable payments, other than for the referral of title insurance business, for services actually rendered to either a title insurer or a title agent or agency in connection with title insurance business.**

**3. Nothing in sections 381.011 to 381.241 shall prohibit any producer or any associate of a producer from referring title business to any title insurer or title insurance agent or agency of his, her or its choice, and if such producer or associate producer has any financial, franchise, or ownership interest in the title insurer, the title insurance agent or agency, from receiving income or profits produced or realized from such financial, franchise or ownership interest so**

long as the purchaser is made aware in writing of the relationship between the producer or associate producer and the title agent or agency.]

[381.151. Nothing in sections 381.011 to 381.241 shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agent or agency, two or more title insurers, one or more title insurers and one or more title agents or agencies or two or more title agents or agencies, provided such division of premiums and charges does not constitute:

- (1) An unlawful rebate or inducement under the provisions of sections 381.011 to 381.241; or
- (2) Payment of a forwarding fee or finder's fee.]

[381.161. 1. No producer or other person, except the person paying the premium for the title insurance, shall require, directly or indirectly, or through any trustee, director, officer, agent, employee, or affiliate, as a condition, agreement, or understanding to selling or furnishing any other person any loan, or extension thereof, credit, sale, property, contract, lease or service, that such other person shall place, any contract of title insurance of any kind through any particular title agent, agency, or title insurer. No title agent, agency, or title insurer shall knowingly participate in any such prohibited plan or transaction. No person shall fix a price charged for such thing or service, or discount from or rebate upon price, on the condition, agreement, or understanding that any title insurance is to be obtained through a particular agent, agency, or title insurer.

2. Any person who violates the provisions of this section, or any title insurer, title agent, or agency who accepts an order for title insurance knowing that it is in violation of the provision of this section shall, in addition to any other action which may be taken by the director, be subject to a fine in an amount equal to five times the premium for the title insurance.]

[381.171. 1. Premiums shall not be inadequate, excessive or unfairly discriminatory.

2. Premiums are excessive if, in the aggregate, they are likely to produce a long run profit that is unreasonably high in relation to the riskiness of the business or if expenses are unreasonably high in relation to the services rendered.

3. Premiums are inadequate if they are clearly insufficient, together with investment income attributable to them, to sustain projected losses and expenses or if continued use of such premiums will have the effect of substantially lessening competition or the effect of tending to create a monopoly.

4. Premiums are unfairly discriminatory if the premium charged for a policy of any particular face amount of liability is higher than the premium for an indential policy within the same classification where such policy has a like face amount or a higher face amount of liability. Premiums within each premium classification may, in the discretion of the title insurer, to a reasonable degree be less than the expenses incurred and the risks assumed in the case of policies of lower face amount of liability and the excess may be charged against policies of higher face amount of liability without rendering the premiums unfairly discriminatory.

5. Premiums may be grouped by classifications into the various types of title policies and endorsements offered. The classifications may be further divided to produce premiums for individual risks or services within a classification. Those classifications or further divisions may be established based upon any one or more of the following:

- (1) The size of a transaction and its effect upon the continuing solvency of the title insurer using the rate in question if a loss should occur;

(2) Expense elements, including management time that would ordinarily be expended in a typical transaction of a particular size;

(3) The geographic location of a transaction, including variation in risk and expense elements attributable thereto;

(4) The individual experience of the insurer and title insurance agent or agency using the rate in question; and

(5) Any other reasonable considerations which may include but not be limited to builder/developer quantity discounts and multiple policy discounts on an individual parcel of property. Those classifications or further divisions thereof shall apply to all risks and services in the business of title insurance under the same or under substantially the same circumstances or conditions.

6. In making or reviewing premiums due consideration shall be given to past and prospective loss experience, to exposure to loss, to underwriting practice and judgment, to past and prospective expenses including amounts paid to or retained by title agents or agencies, to a reasonable margin for profit and contingencies taking into account the need for a reasonable return on capital committed to the enterprise, and to all other relevant factors both within and outside of this state.

7. The director may promulgate rules or regulations setting forth guidelines for the evaluation of premiums. Such regulations may include consideration of:

(1) Cost of underwriting risks assumed by the insurer;

(2) Amounts paid to or retained by title agents;

(3) Operating expenses of the insurer other than underwriting and claims expense;

(4) Payment of claims and claim related expenses;

(5) Investment income;

(6) Reasonable profit;

(7) Premium taxes; and

(8) Any other factors the director deems relevant.]

[381.181. 1. Every title insurer shall file with the director its premium schedules it proposes to use in any county of this state. Every filing shall set forth its effective date, which shall not be earlier than the thirtieth day following its receipt by the director, and shall indicate the character and extent of the coverages and services contemplated. Filings that the director has not disapproved within thirty days of filing shall be deemed effective.

2. No title insurer or title agent or agency may use or collect any premium after September 28, 1987, except in accordance with the premium schedules filed with the director as required by subsections 1 and 2 of this section. The director may provide by regulation for interim use of premium schedules in effect prior to September 28, 1987.

3. Every title insurer shall establish basic classifications of coverages to be used as the basis for determining premiums.]

[381.191. In order to further uniform administration of rate regulatory laws, the director and every title insurer, title agent, or agency in the state may exchange information and experience data with insurance supervisory officials of this and other states and rating organizations in other states and may consult with them with respect to such information and data.]

[381.201. 1. No title insurer, title agent, or agency shall use any premium in the business of title insurance prior to its effective date nor prior to the filing with respect to such premium having been publicly displayed and made readily

available to the public for a period of not less than thirty days in each office of the title insurer, title agent, or agency in the county to which such rates apply, and no premium increase shall apply to title policies which have been contracted for prior to such effective date.

2. Premium charges in excess of those set forth in a premium filing which has become effective may be made when such filing includes a statement that such premiums may be made in the event unusual insurance risks are assumed or unusual services performed in the transaction of the business of title insurance, provided that such premiums are reasonably commensurate with the risks assumed for the costs of the services performed.

3. Copies of the schedules of premiums which are required to be filed with the director under the provisions of sections 381.011 to 381.241, showing their effective date or dates, shall be kept at all times available to the public and prominently displayed in a public place in each office of a title insurer, title agent, or agency in the county to which such rates apply while such rates are effective.]

[381.211. Every title insurer shall file with the director copies of the following forms it proposes to use in this state, including:

(1) Title insurance policies;

(2) Standard form endorsements; and

(3) Preliminary reports, commitments, binders, or any other reports issued prior to the issuance of a title insurance policy.]

[381.221. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall be one hundred percent of the amounts paid by or on behalf of the insured as "premiums" within the definition of that term contained in sections 381.011 to 381.241.]

[381.231. In addition to any other powers granted under sections 381.011 to 381.241, the director may adopt rules or regulations to protect the interests of the public including, but not limited to, regulations governing sales practices, escrow, collection, settlement, closing procedures, policy coverage standards, rebates and inducements, controlled business, the approval of agency contracts, unfair trade practices and fraud, statistical plans for data collection, consumer education, any other consumer matters, the business of title insurance, or any regulations otherwise implementing or interpreting the provisions of sections 381.011 to 381.241. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[381.241. 1. The director of insurance or his duly authorized representative may at any time and from time to time, inspect and examine the records, books and accounts of any title insurer, and may require such periodic and special reports from any title insurer, as may be reasonably necessary to enable the director to satisfy himself that such title insurer is complying with the requirements of sections 381.011 to 381.241. No person shall be authorized to inspect and examine the records, books and accounts of any title insurer unless such person has five years experience in the title insurance business. It shall be the duty of the director at least once every four years to make or cause to be made an examination of every title insurer. The reasonable expense of any examination shall be paid by the title insurer.

2. The purpose of such examination is to enable the director to ascertain whether there is compliance with the provisions of sections 381.011 to 381.241. If as a result of such examination the director has reason to believe that any rate, rating plan or rating system made or used by an insurer does not meet the standards and provisions of sections 381.011 to 381.241, applicable to it, the director may hold a public hearing. Within a reasonable period of time, which shall be not less than ten days before the date of such hearing, he shall mail written notice specifying the matters to be considered at such hearing to every person, insurer or organization believed by him not to be in compliance with the provisions of sections 381.011 to 381.241.

3. If the director, after such hearing, for good cause finds that such rate, rating plan or rating system does not meet the provisions of sections 381.011 to 381.241, he shall issue an order specifying in what respects any such rate, rating plan



or rating system fails to meet such provisions, and stating when, within a reasonable period of time, the further use of such rate, rating plan or rating system by the title insurer which is the subject of the examination shall be prohibited. A copy of such order shall be sent to such title insurer.]

381.410. As used in sections 381.410 and 381.412, the following terms mean:

(1) "Cashier's check", a check, however labeled, drawn on the financial institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) "Certified funds", U.S. currency, funds conveyed by a cashier's check, certified check, teller's check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent's account;

(3) "Director", the director of the department of insurance, unless the settlement agent's primary regulator is another division in the department of economic development. When the settlement agent is regulated by such division, that division shall have jurisdiction over sections 381.410 and 381.412;

(4) "Financial institution":

(a) A person or entity doing business [under] **pursuant to** the laws of this state or the United States relating to banks, trust companies, savings and loan associations[, or credit unions[, commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed pursuant to the Small Business Investment Act of 1958 (15 U.S.C. Section 661, et seq.), as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit System pursuant to the Farm Credit Act of 1971 (12 U.S.C. Section 2000, et seq.), as amended, or any person which services loans secured by liens or mortgages on real property, which person may or may not maintain a servicing portfolio for such loans]; or

(b) The following persons or entities if their principal place of business is in Missouri or [a state which is contiguous to] **outside Missouri, but within the St. Louis or Kansas City standard metropolitan statistical area:**

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer; [or

b. A person or entity acting as a mortgage loan company pursuant to court order;]

(5) "Settlement agent", a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar [Association], or a person licensed under chapter 339, RSMo.

381.412. 1. A settlement agent who accepts funds of more than ten thousand dollars[, but less than two million dollars,] for closing a sale of an interest in real estate shall require a buyer, seller or lender who is not a financial institution to convey such funds to the settlement agent as certified funds. [The settlement agent shall record all security instruments for such real estate closing within three business days of such closing after receipt of such certified funds.] A check:

(1) Drawn on an escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo;

(2) Drawn on an escrow account of a title insurer or title insurance agency licensed to do business in Missouri;

(3) Drawn on an agency of the United States of America, the state of Missouri or any county or municipality of the state of Missouri; or

(4) Drawn on an account by a financial institution;

shall be exempt from the provisions of this section.

2. No title insurer, title insurance agency or title insurance agent, as defined in section [381.031] **381.009**, shall make any payment, disbursement or withdrawal in excess of ten thousand dollars from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

(1) At least ten days prior to such payment, disbursement or withdrawal;

(2) Which consisted of certified funds; or

(3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. If the director finds that a settlement agent, title insurer, title insurance agency or title insurance agent has violated any provisions of this section, the director may assess a fine of not more than two thousand dollars for each violation, plus the costs of the investigation. Each separate transaction where certified funds are required shall constitute a separate violation. In determining a fine, the director shall consider the extent to which the violation was a knowing and willful violation, the corrective action taken by the settlement agent to ensure that the violation will not be repeated, and the record of the settlement agent in complying with the provisions of this section.

Section E. The provisions of section D of this act shall become effective January 1, 2001."; and

Further amend said title, enacting clause and intersectional references accordingly.

### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 161, Section 178.870, Line 18, by inserting after all of said line the following:

"64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This section shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except that reasonable regulations may be adopted for the gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with such public utility services as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission.

4. For the purpose of any zoning regulation adopted under the provisions of sections 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons. The classification of single-family dwelling or single-family residence shall also include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. A zoning regulation may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards and may also establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling or single-family residence area. Should a single-family dwelling or single-family residence as defined in this subsection cease to operate for the purposes specified in this subsection, any other use of such dwelling or residence, other than that allowed by the zoning regulations, shall be approved by the county board of zoning adjustment. Nothing in this subsection shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

**6. In any county of the first classification having a charter form of government and with a population of more than six hundred thousand but less than nine hundred thousand inhabitants, any zoning ordinance or order granting a conditional use permit adopted by the governing legislative body of such county pursuant to this section shall:**

**(1) Be deemed enacted ten days after passage; and**

**(2) Not be subject to any veto power or other power to disapprove such ordinance or order from the executive of such county."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 64, Section 71.285, Line 12 of said page, by inserting after all of said line the following:

"71.794. A special business district may be established, enlarged or decreased in area as provided herein in the following manner:

(1) Upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district, the governing body of the city may adopt a resolution of intention to establish, enlarge or decrease in area a special business district. The resolution shall contain the following information:

(a) Description of the boundaries of the proposed area;

(b) The time and place of a hearing to be held by the governing body considering establishment of the district;

(c) The proposed uses to which the additional revenue shall be put and the initial tax rate to be levied.

(2) Whenever a hearing is held as provided hereunder, the governing body of the city shall publish notice of the hearing on two separate occasions in at least one newspaper of general circulation not more than fifteen days nor less than ten days before the hearing; and shall mail a notice by [registered or certified] United States mail [with a return receipt attached] of the hearing to all owners of record of real property and licensed businesses located in the proposed

district; and shall hear all protests and receive evidence for or against the proposed action; rule upon all protests which determination shall be final; and continue the hearing from time to time.

(3) If the governing body decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after the decision. Notice shall be given in at least one newspaper of general circulation at least ten days prior to the time of said hearing showing the boundary amendments.

(4) If the governing body following the hearing decides to establish the proposed district, it shall adopt an ordinance to that effect. The ordinance shall contain the following:

(a) The number, date and time of the resolution of intention pursuant to which it was adopted;

(b) The time and place the hearing was held concerning the formation of the area;

(c) The description of the boundaries of the district;

(d) A statement that the property in the area established by the ordinance shall be subject to the provisions of additional tax as provided herein;

(e) The initial rate of levy to be imposed upon the property lying within the boundaries of the district;

(f) A statement that a special business district has been established;

(g) The uses to which the additional revenue shall be put;

(h) In any city with a population of less than three hundred fifty thousand, the creation of an advisory board or commission and enumeration of its duties and responsibilities;

(i) In any city with a population of three hundred fifty thousand or more, provisions for a board of commissioners to administer the special business district, which board shall consist of seven members who shall be appointed by the mayor with the advice and consent of the governing body of the city. Five members shall be owners of real property within the district or their representatives and two members shall be renters of real property within the district or their representatives. The terms of the members shall be structured so that not more than two members' terms shall expire in any one year. Subject to the foregoing, the governing body of the city shall provide in such ordinance for the method of appointment, the qualifications, and terms of the members."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 45, Section 67.493, Line 1, by inserting after said line the following:

"67.547. 1. In addition to the tax authorized by section 67.505, any county may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

2. The ballot of submission shall contain, but need not be limited to the following language:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert rate) percent?

Yes No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of **one-eighth of one percent**, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

4. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census.

6. In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall

contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. **Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principle on bonds issued for said capital improvement projects.**

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and

the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

67.700. 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose **including the payment of principle and interest on any bonds issued to pay for such capital improvement**. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance

with applicable laws relating to the investment of other county funds.

4. The sales tax may be imposed at a rate of **one-eighth of one percent**, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500."; and

Further amend said bill by amending the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 151, Section 301.025, Lines 20 to 21 of said page, by deleting the phrase "**as evidenced by paid tax receipts**"; and

Further amend said bill, Page 151, Section 301.025, Lines 32 to 34, by deleting all of said lines and inserting in lieu thereof the following: "accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the"; and

Further amend said bill, Page 151, Section 301.025, Line 36, by inserting after the word "due" the phrase "**; except that, when electronic personal property tax data has been provided to the department of revenue and the department of revenue verifies that personal property taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid such personal property taxes**"; and

Further amend said bill, Page 152, Section 301.025, Line 15 of said page, by inserting after the word "paid." the following:

**"If the applicant was a resident of another county of this state in the applicable preceding years, he or she shall submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax year."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 154, Section 301.025, Line 17, by inserting at the end of said line the following:

**"Residents of counties with a township form of government and with township collectors shall present personal**



property tax receipts which have been paid for the preceding two years when registering under this section.".

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 95, Section 141.220, Lines 34 to 35 of said page, by deleting all of said lines and inserting after all of said lines the following:

"(1) "Appraiser" shall mean an [independent] appraiser **licensed or certified pursuant to chapter 339, RSMo, who is** not an employee of the collector or collection authority"; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 161, Section E, Line 18, by inserting after all of said line the following:

**"Section 1. 1. In any city not within a county, any land reutilization authority of such city, or any successor agency to such authority, may issue bonds, notes or other obligations not to exceed ten million dollars to fund the demolition or renovation, pursuant to this section, of any residential property under the control of such authority. For purposes of this section, the term "residential property" means any property with four or fewer dwelling units. Bonds authorized by this section shall be issued upon the adoption of an ordinance or order by the city for the purposes described in this section.**

**2. Any property demolished wholly or in part via funds from bonds issued pursuant to this section may be used for any lawful purpose. Demolition funds from bonds issued pursuant to this section may, in addition to actual real property demolition and land leveling and clearance costs, include funds for the environmental remediation of, or for the repair of water, sewer, gas, telephone or electric utility access, as well as road access, to such property.**

**3. Any property renovated wholly or in part via funds from bonds issued pursuant to this section shall be renovated solely for sale to individuals with incomes at or below three hundred percent of the poverty level for use as a primary residence by the owner in at least one of the dwelling units. The price of the renovated housing sale shall not exceed the costs incurred for the renovation, and the buyer of any such property may use any available financing mechanism to make the purchase, including any state or federal assistance program. The governing body of the city may authorize the distribution of any portion of the funds from the bonds issued pursuant to this section to any or all of the nonprofit housing corporations located in such city, and in any percentage it sees fit to distribute to each such corporation, for the purpose of renovating any residential property under the control of the land reutilization authority, provided that the renovation and subsequent sale of such property complies with this section.**

**4. Bonds or notes issued pursuant to this section shall set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.**

**5. Such bonds or notes shall bear interest at a rate set by the governing body of any city not within a county which is establishing the programs described in this section, and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.**

**6. Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to**

bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes.

7. Bonds or notes issued by the governing body of a city not within a county shall be payable as to principal, interest and redemption premium, if any, out of the revenues from the sale of the renovated abandoned houses. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the governing body of a city not within a county within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the governing body of a city not within a county shall not be obligated to pay such bond or interest on such bond except from the revenues received from the sale of the properties funded by such bonds and that neither the full faith or credit or taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions the governing body of a city not within a county may provide in their resolutions authorizing the issuance of such bonds.

8. Any city not within a county shall use all funds received from the issuance of such bonds to fund the programs authorized pursuant to this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 18, Section 67.410, Line 22 of said page, by inserting after all of said line the following:

**"6. All fees collected pursuant to this section by a city not within a county shall be used for the repair and demolition of residential property owned by such city. For purposes of this section, the phrase "residential property" means a dwelling which houses four or less families.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 44, Section 67.493, Line 8, by inserting after all of said line the following:

"67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, **or the governing body of any city located within a county which has enacted a county-wide sales tax for law enforcement** is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county **or city** which are subject to taxation [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county **or city**. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax [under] **pursuant to** the provisions of this section shall be effective unless the governing body of the county **or city** submits to the voters of the county **or city**, at a county, **city** or state general, primary or special election, a proposal to authorize the governing body of the county **or city** to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the ..... (**insert county or city**) of ..... (county's **or city's** name) impose a ..... (**insert countywide or**

**citywide**) sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the .....  
(insert county or city)?

[ ] Yes [ ] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county **or city** to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the ..... (insert county or city) of ..... (county's or city's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the ..... (insert county or city) to impose a ..... (insert countywide or citywide) sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

[ ] Yes [ ] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county **or city** shall have no power to impose the sales tax herein authorized unless and until the governing body of the county **or city** shall again have submitted another proposal to authorize the governing body of the county **or city** to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county **or city** from the tax authorized [under] **pursuant to** the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county **or city** for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county **or city**. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county **or city** funds.

5. All sales taxes collected by the director of revenue [under] **pursuant to** this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax [under] **pursuant to** this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from

the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

**6. All sales taxes collected by the director of revenue pursuant to this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Law Enforcement Sales Tax Trust Fund". The moneys in the city public safety sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and from which city the amounts were collected, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the city public safety sales tax trust fund shall be by appropriation by the governing body of each such city. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.**

[6.] **7.** The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust [fund] **funds created in this section** and credited to any county **or city** for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties **or cities**. If any county **or city** abolishes the tax, the county **or city** shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the **appropriate county or city** trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county **or city**, the director of revenue shall remit the balance in the account to the county **or city** and close the account of that county **or city**. The director of revenue shall notify each county **or city** of each instance of any amount refunded or any check redeemed from receipts due the county **or city**.

[7.] **8.** Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed [under] **pursuant to** this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 894, Page 161, Line 18, by adding at the end of said line the following:

"Notwithstanding any provision of law to the contrary, no county clerk or collector shall be provided additional compensation for the collection of taxes or payments in lieu of taxes for tax increment financing funds for municipalities."; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 139, Section 260.210, Line 37, by inserting after all of said line the following:

**"263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned**

lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (*Dipsacus laciniatus*), common teasel (*Dipsacus fullonum*) and kudzu vine (*Pueraria lobata*) which are hereby designated as noxious and dangerous weeds to agriculture."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 119, Section 144.761, Line 31, by inserting immediately after said line the following:

**"144.815. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section the following terms shall mean:**

**(1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and**

**(2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins."; and**

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 139, Section 260.210, Line 37, by adding an additional section thereto, as follows:

**"All corrective action plans approved by the department pursuant to chapter 260.350 through 260.430 shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within 90 days that the corrective action plan has been complied with and completed. The department shall issue a letter within 30 business days to the owners or operators certifying the completion and compliance.".**

#### HOUSE AMENDMENT NO.18

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 73, Section 135.481, Line 17 of said page, by inserting after said line the following:

**"Section 1. Notwithstanding any provision of law to the contrary, in any dispute regarding the liability of a taxpayer for collection and remittance or payment of income, franchise, sales or use tax due on a particular type of transaction, the director of revenue shall consider whether tax has been previously collected and remitted or paid on such type of transaction by other taxpayers within the same or similar type of business or profession in this state and shall consider such information when determining the amount of tax due from the taxpayer. If the director of revenue or the administrative hearing commission determines tax has not been previously collected and remitted or paid by other taxpayers within the same or similar type of business or profession on the transaction in question, the director or the administrative hearing commission may abate previous taxes, interest and penalty related to such transaction and the taxpayer shall be liable to collect and remit or pay taxes in a prospective manner, beginning from the date of the final determination of same by the director of**

revenue."; and

Further amend said bill by amending the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 73, Section 135.481, Line 17, by inserting after all of said line the following:

"135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects [involving eligible residences] **in areas described in subdivision (6) of section 135.478** and eight million dollars for projects [involving qualifying residences] **in areas described in subdivision (10) of section 135.478**. The maximum tax credit for a project consisting of multiple- unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

"135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment [into a targeted area as defined in section 135.400]. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed thirteen million dollars and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four million dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment [into a targeted area] shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of

section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. [The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed nineteen million dollars. Six million] **Five hundred thousand** dollars in tax credits shall be available **annually from the total amount of tax credits authorized by section 32.110 and subdivision 4 of subsection 2 of section 32.115** as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.; and

Further amend said bill, Page 18, Section 135.516, Line 19, by inserting after all of said line the following:

"[135.766. An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.]; and

Further amend said bill, Page 161, Section E, by inserting the following after all of said line:

"620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

2. **For tax years beginning on or after January 1, [1994,] 2001, the director of the department of economic development may authorize** a taxpayer [may be allowed] **to receive** a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, [if approved by the director of the department of economic development,] in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years. [In order to receive a tax credit pursuant to this section, certification by the director of the department of economic development shall be required as proof that the taxpayer made qualified research expenses during the taxable year.]

3. The director of economic development shall prescribe the manner in which the tax credit may be [claimed] **applied for**. The tax credit [allowed] **authorized** by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for [claiming] tax credits [allowed in] **authorized by the director pursuant to** subsection 2 of this section shall be made [in] **no later than the end of** the taxpayer's tax period immediately following the tax period for which the credits are being claimed. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of

a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[4.] **6.** The aggregate of all tax credits authorized pursuant to this section shall not exceed [ten] **nine million seven hundred thousand** dollars in any [taxable] year.

Section F. Sections 135.403 and 620.1039 will become effective on January 1, 2001."; and

Further amend the title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SB 902**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HS** for **HCS** for **HB 1797**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 922**, as amended: Senators Scott, Johnson, Goode, Klarich and Yeckel.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 902**, as amended: Senators Mathewson, DePasco, Stoll, Rohrbach and Ehlmann.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended: Senators Goode, Schneider, Mathewson, Ehlmann and Flotron.

Senator Jacob assumed the Chair.

### CONFERENCE COMMITTEE REPORTS

Senator Stoll, on behalf of the conference committee appointed to act with a like committee from the House on **SJR 50**, with **HA 2**, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION NO. 50

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Joint Resolution No. 50, with House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:



1. That the House recede from its position on House Amendment No.2 to Senate Joint Resolution No. 50; and
2. That Senate Joint Resolution No. 50 be adopted.

**FOR THE SENATE:**

/s/ Stephen Stoll  
 /s/ Ken Jacob  
 /s/ Walt Mueller  
 /s/ Joe Maxwell  
 /s/ Roseann Bentley

**FOR THE HOUSE:**

/s/ May Scheve  
 /s/ Jim Foley  
 /s/ James P. O'Toole  
 /s/ C. Surface  
 /s/ John E. Griesheimer

Senator Stoll moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
DePasco	Flotron	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Caskey	Goode	Kenney	Schneider--4
Absent--Senators			
Clay	Ehlmann	Mathewson--3	
Absent with leave--Senators--None			

On motion of Senator Stoll, **SJR 50** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Caskey	Schneider	Singleton--3	
Absent--Senator Clay--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HB 1797**, as amended, and grant the House a conference thereon, which motion prevailed.

## CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 896**, as amended, submitted the following conference committee report:

### CONFERENCE COMMITTEE REPORT ON

### HOUSE SUBSTITUTE FOR

### HOUSE COMMITTEE SUBSTITUTE FOR

### SENATE BILL NO. 896

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 896, with House Amendments Nos. 1, 2, 3, 4, 5 and 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10, 11 and 12; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 896, as amended;
2. That the Senate recede from its position on Senate Bill No. 896;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 896 be adopted.

#### FOR THE SENATE:

/s/ John E. Scott  
/s/ Danny Staples  
/s/ William Clay  
/s/ Bill Kenney  
/s/ David J. Klarich

#### FOR THE HOUSE:

/s/ Christopher A. Liese  
/s/ Brian May  
/s/ Blaine Luetkemeyer  
/s/ Ed Hartzler  
/s/ Jim Kreider 142

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Clay

Ehlmann

Scott--3

Absent with leave--Senators--None

On motion of Senator Klarich, **CCS** for **HS** for **HCS** for **SB 896**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 896

An Act to repeal sections 140.160, 143.331, 351.055, 351.300, 351.355, 351.690, 359.091, 359.481, 361.230, 361.250, 361.390, 361.440, 361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.115, 362.116, 362.172, 362.235, 362.325, 362.440, 362.450, 362.700, 362.710, 362.730, 362.740, 362.750, 369.219, 375.017, 375.126, 376.350, 379.105, 408.052, 408.234, 525.080, 525.230, 525.233, 525.240 and 525.250, RSMo 1994, and sections 140.110, 148.064, 301.600, 306.400, 306.410, 306.420, 347.137, 347.141, 351.025, 351.245, 351.482, 354.065, 359.451, 362.105, 362.119, 362.170, 362.245, 362.464, 362.600, 362.680, 365.020, 375.022, 400.3-312 and 443.415, RSMo Supp. 1999, and section 136.055 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19 of the first regular session of the ninetieth general assembly and section 136.055 as enacted by house committee substitute for house bill no. 459 of the first regular session of the eighty-ninth general assembly, relating to business organizations, and to enact in lieu thereof seventy-nine new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Carter

Caskey

Childers

DePasco

Ehlmann

Flotron

Goode

Graves

House

Howard

Jacob

Johnson

Kenney

Kinder

Klarich

Mathewson

Maxwell

Quick

Rohrbach

Russell

Scott

Sims

Singleton

Staples

Steelman

Stoll

Westfall

Wiggins

Yeckel--30

NAYS--Senator Schneider--1

Absent--Senators

Bland

Clay

Mueller--3

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley

Bland

Carter

Caskey

Childers

DePasco

Ehlmann

Flotron

Goode

Graves

House

Howard

Jacob

Johnson

Kenney

Kinder

Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Schneider	Singleton--2		
	Absent--Senators		
Clay	Mueller--2		
	Absent with leave--Senators--None		

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to adopt the conference committee report on **HS** for **HCS** for **SB 856**, as amended, and request the House grant the Senate further conference thereon, which motion prevailed.

Senator Johnson assumed the Chair.

### CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 1053**, as amended, submitted the following conference committee report:

#### CONFERENCE COMMITTEE REPORT ON

#### HOUSE SUBSTITUTE FOR

#### SENATE BILL NO. 1053

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 1053, with House Amendment No. 1, House Amendments Nos. 1 and 2 to Part II, and House Amendment No. 1 to Part III; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 1053, as amended;
2. That the Senate recede from its position on Senate Bill No. 1053;
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 1053 be adopted.

#### FOR THE SENATE:

/s/ Wayne Goode  
 /s/ William Clay  
 /s/ Harry Wiggins  
 /s/ Roseann Bentley  
 /s/ Franc Flotron

#### FOR THE HOUSE:

/s/ Rita D. Days  
 /s/ Gracia Backer  
 /s/ Russell C. Gunn  
 /s/ Carson Ross  
 /s/ Bill Tudor

Senator Goode moved that the above conference committee report be adopted.

Senator Stoll assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bland	Caskey	Childers	DePasco
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Bentley	Carter	Clay	Ehlmann
Flotron	Howard	Jacob	Mathewson
Mueller	Sims--10		
Absent with leave--Senators--None			

Senator Goode moved that the conference committee report on **HS** for **SB 1053** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Howard	Johnson	Kenney
Kinder	Maxwell	Quick	Sims
Steelman	Stoll	Wiggins	Yeckel--20
NAYS--Senators			
Graves	Klarich	Rohrbach	Russell
Scott	Staples	Westfall--7	
Absent--Senators			
Clay	Flotron	Jacob	Mathewson
Mueller	Schneider	Singleton--7	
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS** for **HS** for **SB 1053**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1053

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto two new sections relating to profiling for traffic stops.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Maxwell	Sims

Steelman	Stoll	Wiggins	Yeckel--20
	NAYS--Senators		
Flotron	Graves	Rohrbach	Russell
Scott	Staples	Westfall--7	
	Absent--Senators		
Clay	Jacob	Mathewson	Mueller
Quick	Schneider	Singleton--7	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 902**, as amended: Representatives: Treadway, O'Toole, Foley, Dolan and Boatright.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended: Representatives: Graham 24, Backer, Monaco, Naeger and Summers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HCS** for **HB 1797**, as amended: Representatives: Gratz, Kreider, Graham 24, Nordwald and Tudor.

### PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended: Senators Scott, Goode, Quick, Klarich and Singleton.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House

on **SS** for **HS** for **HCS** for **HB 1797**, as amended: Senators Goode, Quick, Howard, Flotron and Westfall.

## **RESOLUTIONS**

Senator House offered Senate Resolution No. 1828, regarding the 1999-2000 Fort Zumwalt South Concert, Men's, and Women's Choirs and the Chorale, which was adopted.

Senator House offered Senate Resolution No. 1829, regarding the 1999-2000 Fort Zumwalt South High School Symphonic Band and Symphonic Wind Ensemble, which was adopted.

Senator House offered Senate Resolution No. 1830, regarding the 1999-2000 St. Charles West High School Symphonic Band, which was adopted.

Senator House offered Senate Resolution No. 1831, regarding the 1999-2000 Warrenton High School Concert Choir, which was adopted.

Senator House offered Senate Resolution No. 1832, regarding the 1999-2000 Warrenton High School Band, which was adopted.

Senator House offered Senate Resolution No. 1833, regarding the 1999-2000 Troy Buchanan High School Concert Choir, which was adopted.

Senator House offered Senate Resolution No. 1834, regarding the 1999-2000 Francis Howell High School Symphonic Band, which was adopted.

Senator Westfall offered Senate Resolution No. 1835, regarding Thelbert R. Gott, Halfway, which was adopted.

Senator Bentley offered Senate Resolution No. 1836, regarding Nicole Peck, Springfield, which was adopted.

Senator Jacob offered Senate Resolution No. 1837, regarding Think First Missouri, which was adopted.

Senator Jacob offered Senate Resolution No. 1838, regarding Sean Bozarth, Warrensburg, which was adopted.

Senator Maxwell offered Senate Resolution No. 1839, regarding Cormac Smith, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Rob Schaaf, M.D., Gower.

Senator Childers introduced to the Senate, Debbie Harris, Margaret Herd, Eddie Hunsaker and fifteen eighth grade students from Bradleyville School, Bradleyville.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 12, 2000.

## **SENATE CALENDAR**

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SEVENTY-THIRD DAY-FRIDAY, MAY 12, 2000

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## FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &  
671-Mathewson, with SCS

### HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs 1652 &  
1433-Hoppe, with SCAs 1, 2,  
3, 4, 5 & 6 (Caskey)

2. HS for HCS for HBs  
1172, 1501, 1633,  
1440, 1634, 1177 &  
1430-Davis (122nd),  
with SCS (Howard)

3. HS for HCS for HB  
1762-Williams (159th),  
with SCS (Caskey)

4. HCS for HB 1144, with



SCS (Johnson)

5. HJR 43-Barry, et al

(House)

6. HS for HCS for HB

1481-Smith (Maxwell)

7. HCS for HB 1644, with

SCS (Scott)

8. HS for HCS for HBs

1215 & 1240-Smith,

with SCS (Caskey)

9. HB 1768-Ward, with

SCS (Staples)

10. HB 1326-Mays (50th),

with SCAs 1 & 2

(Goode)

11. HS for HB 1728-Backer,

with SCS (Flotron)

(In Budget Control)

12. HS for HCS for HBs 1489,

1488 & 1650-Kennedy,

with SCS (Maxwell)

(In Budget Control)

13. HS for HCS for

HB 1305-Rizzo,

with SCS (DePasco)

14. HS for HCS for

HB 1254-Kissell,

with SCS (Caskey)

15. HB 1499 & HB 1579-

Hoppe, with SCS (Scott)

16. HB 1946-Dougherty

(Maxwell)

17. HB 1159-Boucher, with

SCS (Maxwell)

18. HS for HB 2011-Overschmidt

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,

834 & 832-Staples,

with SCS (pending)

SBs 584, 539, 630, 777,

796, 918 & 927-Bentley,

with SCS & SS for SCS

(pending)

SBs 599 & 531-Schneider,

with SCS (pending)

SB 604-Wiggins

SB 697-Schneider, with

SCS & SA 1 (pending)

SB 720-Caskey, with SS &

SA 3 (pending)

SB 729-House, with SCS &

SA 8 (pending)

SB 744-Klarich

SB 748-Johnson, with SCS

SB 803-Goode, et al, with

SCS

SBs 807, 553, 574, 614,

747 & 860-Jacob, with

SCS, SS for SCS & SA 2

(pending)

SB 817-Stoll, with SCS

SBs 818 & 564-Maxwell and

Kinder, with SCS

SB 826-Jacob, et al, with

SCS, SS for SCS & SA 5

(pending)

SB 827-Scott, et al, with

SS & SA 2 (pending)

SB 866-Klarich

SB 930-Jacob, with SCS

SB 955-Mathewson, et al

SB 957-Johnson and Quick,

with SCS, SA 2, SSA 1

for SA 2 & SA 3 to SSA

1 for SA 2 (pending)

SB 980-Jacob, with SCS

SB 1016-Jacob, et al,

with SS, SA 2 & point

of order (pending)

SB 1047-Rohrbach, with

SCS (pending)

SB 1048-Mathewson, with SCS

SJR 45 & 41-House, with

SCS (pending)

SJR 46-Goode, et al, with

SCS (pending)

SJR 47-Quick, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & point

of order (pending)

#### HOUSE BILLS ON THIRD READING

HB 1082-Crump, with SCS

& SA 1 (pending)

(Childers)

HB 1443-Koller, with SCS

& SS for SCS (pending)

(Johnson)

HS for HB 1603-May

(108th), with SCS & SS

for SCS (pending) (Jacob)

HS for HB 1615-Hosmer,

with SCS, SS#2 for SCS,

SA 2 & point of order

(pending) (Caskey)

HB 1706-Gambaro, et al,  
with SCS (Clay)  
HS for HCS for HJR 61-Van  
Zandt, with SCS, SS for  
SCS & SS for SS for SCS  
(pending) (Quick)

## CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/13

HB 1875-Franklin (Wiggins)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 894-Quick,

with HS for HCS, as  
amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended

SB 741-Maxwell, with HCS,  
as amended

(Senate adopted CCR  
and passed bill)

SS for SCS for SB 763-  
Howard, with HCS, as  
amended

SB 788-Johnson, with HS  
for HCS, as amended  
(Senate adopted CCR  
and passed CCS)

SS for SB 813-House, with  
HCS, as amended  
(Further conference  
granted)

SB 856-Maxwell, with HS  
for HCS, as amended  
(Senate requests  
further conference)

SB 858-Maxwell, with HS  
for HCS, as amended

SB 896-Klarich, with HS  
for HCS, as amended  
(Senate adopted CCR  
and passed CCS)

SS for SB 902-Mathewson,  
with HS for HCS, as  
amended

SB 922-Scott, with HCS,  
as amended

SB 1053-Goode, et al,  
with HS, as amended  
(Senate adopted CCR  
and passed CCS)

SS for SS#3 for SJR 35-  
Goode, with HCS, as  
amended

SJR 50-Stoll, with HA 2  
(Senate adopted CCR  
and passed bill)

HS for HB 1238-Hoppe,  
with SCS, as amended  
(Mathewson)

HB 1292-Auer, with SCS,  
as amended (Jacob)  
HS for HCS for HBs 1566 &  
1810-Bray, with SS for  
SCS, as amended (Scott)  
HS for HCS for HB 1797-  
Gratz, with SS, as  
amended (Goode)  
HCS for HB 1967, with  
SCA 1, as amended  
& SA 1 (Scott)

## RESOLUTIONS

SR 1204-Goode  
SR 1373-Mathewson  
SCR 33-Kinder, et al  
Reported from Committee  
  
SCR 34-Bland, et al, with  
point of order (pending)  
SCR 40-House  
HCR 28-Van Zandt, et al  
(DePasco)



# Journal of the Senate

## SECOND REGULAR SESSION

**SEVENTY-THIRD DAY--FRIDAY, MAY 12, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

A French Philosopher wrote: "I expect to pass through this world but once. Any good therefore that I can do, or any kindness that I can show to any fellow creature, let me do it now. Let me not defer it or neglect it, for I shall not pass this way again."

Gracious God, we have been motivated this week to do what is required of us for it must be done now. We recognize that our efforts, completed or not come to an end this day. We must do what good we can realizing there is never enough time to do all we might want to do. So grant us wisdom and perseverance, energy and caring to complete our work this day, efficiently and competently. And for those who serve here and especially those who shall not return here, may You look at our efforts and bless what we have done in keeping with Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Wilson assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV, the Associated Press, Daily Journal-Park Hills, KMIZ-TV and the St. Louis Post Dispatch were given permis-sion to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

### Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1840

WHEREAS, the members of the Missouri Senate were truly saddened by the death of longtime Neosho resident Herbert H. Douglas who passed away on May 5, 2000, at the age of eighty-six; and

WHEREAS, born on April 29, 1914, in Bolivar, Missouri, Herbert Douglas married his beloved Thelma Breshears in 1937, the same year he began the practice of law in Neosho in an upstairs office on the southeast corner of the town's square; and

WHEREAS, a graduate of Southwest Baptist College in Bolivar, Missouri, and the University of Missouri School of Law, Herbert Douglas served in the U.S. Army from 1944 to 1946 which led to his subsequent membership in American Legion Post 163; and

WHEREAS, joined by his brother, Garland, Herbert Douglas established the firm Douglas & Douglas and moved his law office to the Douglas Building in 1957, added his son to the firm in 1970, and retired from the practice of law in 1993 after fifty-five years; and

WHEREAS, a former prosecuting attorney for Newton County, Herbert Douglas was active in Republican politics and enjoyed election to the office of president of the Missouri Association of Republicans in 1944 and then for more than forty years served as the historian whose collection of original records spanning a century were recently accepted for preservation by the Missouri Historical Society; and

WHEREAS, Herbert Douglas was a devout member of First Christian Church (Disciples of Christ) who was widely respected as a teacher, trustee, deacon, elder, and chairman of the board during construction of the present church facility; and

WHEREAS, a board member of the Crowder College Foundation for thirty years, Herbert Douglas was a loving family man who is survived by his wife, Thelma; children Dwight and Bonnie Douglas and Janice and Cecil Denney; sisters Marjorie Olive and Delma Burhans; grandchildren Doug Denney, Brad Denney, Steven Douglas, and Rebecca Keesling; and three great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to commend the impressive life and good works of the late Herbert Douglas and to convey to his family, friends, and colleagues our heartfelt condolences at the passing of his light and warmth from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Herbert H. Douglas of Neosho, Missouri.

Senator Wiggins offered the following resolution:

#### SENATE RESOLUTION NO. 1841

WHEREAS, the treaty known as the "Convention of the Rights of the Child" recognizes the rights of children to health care services, protection against discrimination on the basis of race, sex or religion, and the right not to be exploited or tortured or subjected to cruel and inhumane treatment; and

WHEREAS, the treaty sets forth a promise to protect and assist in the development of children and reminds us how important each child is and what responsibilities we have as leaders and citizens; and

WHEREAS, since the treaty's establishment on November 20, 1989, over two hundred sovereign nations have signed the Convention of the Rights of the Child with one hundred ninety-one of those nations ratifying it; and

WHEREAS, while President Clinton finally signed the treaty in 1995, he has failed to send the treaty to Congress for ratification, resulting in the United States remaining as one of a handful of sovereign nations which have not yet ratified the Convention of the Rights of the Child; and

WHEREAS, the United States has strong involvement in all fifty-four articles of the treaty, particularly in the proposals ensuring the rights of freedom of speech, association, assembly and privacy; and

WHEREAS, the Missouri Senate is equally committed to the principles and ideals expressed in the Convention of the Rights of the Child as well as the establishment, preservation and strengthening of laws regarding the rights and protection of children:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, hereby urge the President of the United States to send the treaty known as the "Convention of the Rights of the Child" to the United States Congress for ratification so that the United States may join the one hundred ninety-one sovereign nations that have already ratified this treaty; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and each member of the Missouri Congressional delegation.

Senator Goode offered Senate Resolution No. 1842, regarding Franklin Theodore Luechtefeld, Leslie, which was adopted.

Senator Russell offered Senate Resolution No. 1843, regarding Marge Adams, Dixon, which was adopted.

Senator Graves offered Senate Resolution No. 1844, regarding Robert Rice, Maryville, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has granted the Senate a further conference on **HS** for **HCS** for **SB 856**, as amended. Conferees reappointed: Representatives Harlan, Foley, Wilson 42, Reinhart and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended: Representatives Bray, VanZandt, Riback Wilson, Gibbons and Hegeman.

### CONFERENCE COMMITTEE

#### APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 856**, as amended: Senators Maxwell, Wiggins, Carter, Singleton and Bentley.

### HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HS** for **HB 1615**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Caskey, his point of order was withdrawn.

**SA 2** was again taken up.

Senator Sims offered **SSA 1** for **SA 2**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 77, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"208.152. 1. Benefit payments for medical assistance shall be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the division of medical services shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the medicaid children's diagnosis length-of-stay schedule; and provided further that the division of medical services shall take into account through its payment system

for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the division of medical services may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the division of medical services not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for recipients, except to persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health or a nursing home licensed by the division of aging or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX, of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The division of medical services may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of medicaid patients. The division of medical services when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for recipients of benefit payments [under] **pursuant to** subdivision (4) of this section for those days, which shall not exceed twelve per any period of six consecutive months, during which the recipient is on a temporary leave of absence from the hospital or nursing home, provided that no such recipient shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a recipient is away from the hospital or nursing home overnight because he **or she** is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Dental services;

(8) Services of podiatrists as defined in section 330.010, RSMo; serve of chiropractors

(9) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist;

(10) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments. The department of social services may conduct demonstration projects related to the provision of medically necessary transportation to recipients of medical assistance under this chapter. Such demonstration projects shall be funded only by appropriations made for the purpose of such demonstration projects. If funds are appropriated for such demonstration projects, the department shall submit to the general assembly a report on the significant aspects and results of such demonstration projects;

(11) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of section 6403 of P.L.53 101-239 and federal regulations promulgated thereunder;

(12) Home health care services;

(13) Optometric services as defined in section 336.010, RSMo;

(14) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the medicaid agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(15) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(16) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(17) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage [under] **pursuant to** Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted [under] **pursuant to** Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(18) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his **or her** physician on an outpatient, rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the recipient's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one recipient one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time;

(19) Mental health services. The state plan for providing medical assistance [under] **pursuant to** Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, "mental health professional" and "alcohol and drug abuse professional" shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, division of medical services, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the division of medical services. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(20) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented,

comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive and behavioral function. The division of medical services shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism;

(21) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. Beginning July 1, 1990, the rate of reimbursement paid by the division of medical services to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Such additional services as defined by the division of medical services to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(23) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner to the extent that such services are provided in accordance with chapter 335, RSMo, and regulations promulgated thereunder, regardless of whether the nurse practitioner is supervised by or in association with a physician or other health care provider;

(24) Subject to appropriations, the department of social services shall conduct demonstration projects for nonemergency, physician-prescribed transportation for pregnant women who are recipients of medical assistance [under] **pursuant to** this chapter in counties selected by the director of the division of medical services. The funds appropriated pursuant to this subdivision shall be used for the purposes of this subdivision and for no other purpose. The department shall not fund such demonstration projects with revenues received for any other purpose. This subdivision shall not authorize transportation of a pregnant woman in active labor. The division of medical services shall notify recipients of nonemergency transportation services [under] **pursuant to** this subdivision of such other transportation services which may be appropriate during active labor or other medical emergency;

(25) Nursing home costs for recipients of benefit payments [under] **pursuant to** subdivision (4) of this subsection to reserve a bed for the recipient in the nursing home during the time that the recipient is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of medicaid certified licensed beds, according to the most recent quarterly census provided to the division of aging which was taken prior to when the recipient is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made [under] **pursuant to** this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a recipient pursuant to this subdivision during any period of six consecutive months such recipient shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided [under] **pursuant to** subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the recipient or the

recipient's responsible party that the recipient intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the recipient or the recipient's responsible party prior to release of the reserved bed.

2. Benefit payments for medical assistance for surgery as defined by rule duly promulgated by the division of medical services, and any costs related directly thereto, shall be made only when a second medical opinion by a licensed physician as to the need for the surgery is obtained prior to the surgery being performed.

3. The division of medical services may require any recipient of medical assistance to pay part of the charge or cost, as defined by rule duly promulgated by the division of medical services, for dental services, drugs and medicines, optometric services, eye glasses, dentures, hearing aids, and other services, to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, RSMo, and a generic drug is substituted for a name brand drug, the division of medical services may not lower or delete the requirement to make a copayment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described [under] **pursuant to** this section must collect from all recipients the partial payment that may be required by the division of medical services under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by recipients [under] **pursuant to** this section shall be in addition to, and not in lieu of, any payments made by the state for goods or services described herein.

4. The division of medical services shall have the right to collect medication samples from recipients in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services [under] **pursuant to** subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for medical assistance at least to the extent that such care and services are available to the general population in the geographic area, as required [under] **pursuant to** subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for medical assistance [under] **pursuant to** section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health. Such notification and referral shall conform to the requirements of section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the medicaid program shall not increase payments in excess of the increase that would result from the application of section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The department of social services, division of medical services, may enroll qualified residential care facilities, as defined in chapter 198, RSMo, as medicaid personal care providers.

**11. The department of social services shall, in connection with medical assistance provided for in section 208.152.1(4), RSMo, make payment through rates determined in accordance with methods and standards developed by the department of social services which take into account the costs, including the costs of services required to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident eligible for benefits under the Missouri Medicaid program, of complying with subsection's (b) (other**

than paragraph (3)(F) thereof), (c) and(d) of 42 U.S.C. Section 1396r(b), (c) and(d) and provide (in the case of a nursing facility with a waiver under 42 U.S.C. Section 1396r(b)(4)(C)(ii)) for an appropriate reduction to take into account the lower costs, if any, of the facility for nursing care and which the division of medical services finds, and makes assurances satisfactory to the director of the department of social services, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. The payments required by this section are subject to appropriations.";

Further amend the title, enacting clause, and intersectional references accordingly.

Senator Sims moved that the above substitute amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, (3788S.12F), Page 31, Section 190.142, Line 9, by deleting the word "continued".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 27, Section 187.084, Line 12, by deleting the word "and"; and

Further amend said bill, page 27, section 187.084, line 14, by deleting the period on said line and inserting in lieu thereof the following: "; and

(4) Disclose if the applicant is listed on the division of family services' central registry for child abuse and neglect pursuant to sections 210.109 to 210.183, RSMo, or if the person's foster care license has been refused, suspended or revoked pursuant to section 210.496, RSMo, or if the person is disqualified for employment by the department of mental health pursuant to section 630.170, RSMo."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 76, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and



wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of [one] **two thousand five hundred** dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed [two] **five** thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or

beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance [under] **pursuant to** 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage [under] **pursuant to** this subdivision, the department of social services may revise the state Medicaid plan to extend coverage [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

- (a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;
- (b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and
- (c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] **pursuant to** this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall be subject to appropriation to provide services approved [under] **pursuant to** the provisions of this subdivision;
- (16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;
- (17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;
- (18) A child born to a woman eligible for and receiving medical assistance [under] **pursuant to** this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;
- (19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as practicable;
- (20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care

provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available [under] **pursuant to** 42 U.S.C. 1396a

(a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical

assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

**2. The department of social services shall expand eligibility under the Medicaid program by increasing the current asset limits to two thousand five hundred dollars for a single person and five thousand dollars for a married couple. The department shall apply to the United States Secretary of Health and Human Services for any necessary waivers or amendments to current waivers to increase such asset limits.**

**3.** Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[3.] **4.** After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

[4.] **5.** For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] **pursuant to** Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

[5.] **6.** When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Stoll assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 76, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may



deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of [one] **two thousand five hundred** dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed [two] **five** thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

- (1) All recipients of state supplemental payments for the aged, blind and disabled;
- (2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;
- (3) All recipients of blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;
- (13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance [under] **pursuant to** 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;
- (14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an

income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage [under] **pursuant to** this subdivision, the department of social services may revise the state Medicaid plan to extend coverage [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] **pursuant to** this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall be subject to appropriation to provide services approved [under] **pursuant to** the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance [under] **pursuant to** this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families

with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or

resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available [under] **pursuant to** 42 U.S.C. 1396a

(a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

**2. The department of social services shall expand eligibility under the Medicaid program by increasing the current asset limits to two thousand five hundred dollars for a single person and five thousand dollars for a married couple, subject to appropriations. The department shall apply to the United States Secretary of Health and Human Services for any necessary waivers or amendments to current waivers to increase such asset limits.**

**3.** Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[3.] **4.** After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

[4.] **5.** For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] **pursuant to** Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

[5.] **6.** When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Ehlmann offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 2, Section A, Line 7, by inserting after all of said line the following:

**"33.850. 1. Sections 33.850 to 33.895 shall be known and may be cited as the "Missouri False Claims Act".**

**2. As used in sections 33.850 to 33.895, the following terms shall mean:**

**(1) "Claim", includes any request or demand regarding health care for the elderly, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other person if the state provides any portion of the money or property which is requested or demanded regarding health care for the elderly, or if the state will reimburse such contractor, grantee, or other person for any portion of the money or property which is requested or demanded regarding health care for the elderly;**

**(2) "Custodian", the custodian, or any deputy custodian, designated by the attorney general pursuant to section 33.883;**

**(3) "Documentary material", includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery;**

**(4) "Exempt official", any of the following officials: any state official listed in article IV, section 12 of the Constitution of the state of Missouri and all other persons appointed by the governor by and with the consent of the senate;**

**(5) "Guard", the Missouri national guard;**

**(6) "Investigation", any inquiry conducted by an investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of sections 33.850 to 33.895;**

**(7) "Investigator", a person who is charged by the attorney general with the duty of conducting any investigation pursuant to sections 33.850 to 33.895, or any officer or employee of the state acting under the direction and supervision of the department of public safety, through the Missouri state highway patrol, with an investigation;**

**(8) "Knowing" and "knowingly", that a person, with respect to information:**

**(a) Has actual knowledge of the information; and**

**(b) Acts in deliberate ignorance of the truth or falsity of the information; or**

**(c) Acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required;**

**(9) "Original source", an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the state before filing an action pursuant to sections 33.850 to 33.895 which is based on the information;**

**(10) "Product of discovery" includes:**

**(a) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land**

or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(b) Any digest, analysis, selection, compilation, or derivation of any item listed in paragraph (a) of this subdivision; and

(c) Any index or other manner of access to any item listed in paragraph (a) of this subdivision.

**33.853. 1. Sections 33.850 to 33.895 are intended to provide for civil recovery for false or fraudulent claims paid by the state.**

**2. Any person who:**

**(1) Knowingly presents, or causes to be presented, to an officer or employee of the state or a member of the guard a false or fraudulent claim for payment or approval;**

**(2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the state;**

**(3) Conspires to defraud the state by getting a false or fraudulent claim allowed or paid;**

**(4) Has possession, custody, or control of property or money used, or to be used, by the state regarding health care for the elderly and, intending to defraud the state or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;**

**(5) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state regarding health care for the elderly and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true;**

**(6) Knowingly buys, or receives as a pledge on an obligation or debt regarding health care for the elderly, public property from an officer or employee of the state, or a member of the guard, who lawfully may not sell or pledge the property; or**

**(7) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state regarding health care for the elderly, is liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of damages which the state sustains because of the act of that person. A person found guilty of violating this section shall also be liable to the state for the costs of a civil action brought to recover any such penalty or damages.**

**3. This section does not apply to claims, records, or statements made pursuant to chapter 143, RSMo.**

**33.856. 1. The attorney general shall diligently investigate a civil violation pursuant to sections 33.850 to 33.895. If the attorney general finds that a person has violated or is violating section 33.853, the attorney general may bring a civil action pursuant to this section against the person.**

**2. A person may bring a civil action for a violation of section 33.853 for the person and for the state. The action shall be brought in the name of the state. The action may be dismissed only if the court and the attorney general give written consent to the dismissal and their reasons for consenting.**

**3. A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the attorney general for the state. The complaint shall be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The state may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.**



**4. The state may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to subsection 3 of this section. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed pursuant to this section until thirty days after the complaint is unsealed and served upon the defendant.**

**5. Before the expiration of the sixty-day period or any extensions obtained pursuant to subsection 4 of this section, the state shall:**

**(1) Proceed with the action, in which case the action shall be conducted by the state; or**

**(2) Notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.**

**6. When a person brings an action pursuant to this section, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.**

**7. If the false or fraudulent claim involves the attorney general's office, then the state auditor shall assume all powers, duties and obligations that the attorney general has pursuant to sections 33.850 to 33.856.**

**33.859. 1. If the state proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in subsection 2 of this section.**

**2. (1) The state may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the state of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.**

**(2) The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.**

**(3) Upon a showing by the state that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as:**

**(a) Limiting the number of witnesses the person may call;**

**(b) Limiting the length of the testimony of such witnesses;**

**(c) Limiting the person's cross-examination of witnesses; or**

**(d) Otherwise limiting the participation by the person in the litigation.**

**(4) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.**

**3. If the state elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the state so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the state's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.**

**4. Whether or not the state proceeds with the action, upon a showing by the state that certain actions of**

discovery by the person initiating the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

5. The state may elect to pursue its claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued pursuant to this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action pursuant to this section.

33.862. 1. If the state proceeds with an action brought by a person pursuant to section 33.856, such person shall receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. The state shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred by the attorney general, including reasonable attorneys' fees and costs, and the amount received shall be deposited in the whistleblower reward and protection fund created in section 33.895. All such expenses, fees, and costs shall be awarded against the defendant upon a finding of guilt.

2. If the state does not proceed with an action pursuant to this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

3. Whether or not the state proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 33.853 upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive pursuant to this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 33.853, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the state to continue the action.

4. If the state does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

33.865. 1. No court shall have jurisdiction over an action brought by a former or present member of the guard against a member of the guard arising out of such person's service in the guard.

2. (1) No court shall have jurisdiction over an action brought pursuant to section 33.856 against a member of the general assembly, a member of the judiciary, or an exempt official if the action is based on evidence or

information known as the violation to the state when the action was brought.

(2) In no event may a person bring an action pursuant to section 33.856 which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party.

(3) No court shall have jurisdiction over an action pursuant to this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or auditor report, hearing, audit, or investigation, or from the news media, unless the action is brought by the attorney general or the person bringing the action is an original source of the information.

3. The state is not liable for expenses which a person incurs in bringing an action pursuant to section 33.856.

4. Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done pursuant to sections 33.850 to 33.895, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the seniority status such employee would have had but for the discrimination, interest on the back pay which would have been otherwise due, two times the amount of back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate circuit court for the relief provided in this subsection.

33.868. 1. A subpoena requiring the attendance of a witness at a trial or hearing conducted pursuant to section 33.859 may be served at any place in the state.

2. A civil action pursuant to section 33.856 may not be brought:

(1) More than six years after the date on which the alleged violation of section 33.853 is committed; or

(2) More than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of the state charged with responsibility to act in the circumstances, whichever occurs last.

3. In any action brought pursuant to section 33.856, the state or the person shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

4. Notwithstanding any other provision of law, a final judgment rendered in favor of the state in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought pursuant to subdivision (1) or (2) of subsection 5 of section 33.856.

33.871. 1. When it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any violation of section 33.853 or when he or she believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any such act or practice he or she may issue and cause to be served a civil investigative demand to assist in the investigation of the matter. The issuance and enforcement of each civil investigative demand shall be conducted in compliance with all of the terms and provisions of sections 407.040 to 407.090, except as provided for in sections 33.850 to 33.895.

2. Any person served a civil investigative demand shall have the right to the assistance of counsel.

33.874. Any civil investigative demand issued pursuant to section 33.871 may be served as the Missouri rules of civil procedure prescribes for service of process. To the extent that the courts of this state can assert jurisdiction over any person outside the state consistent with due process, the courts of this state shall have the same

jurisdiction to take any action respecting compliance with this section against any such person that such court would have if such person were personally within the jurisdiction of such court.

**33.877.** A verified return by the individual serving any civil investigative demand issued pursuant to section 33.871 or any petition filed pursuant to section 33.856 setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

**33.880. 1.** The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the county within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the investigator conducting the examination and such person.

**2.** When the testimony is fully transcribed, the investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine it, the officer or investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons, if any, given therefor.

**33.883. 1.** The attorney general shall designate the Missouri state highway patrol to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received pursuant to sections 33.850 to 33.895, and shall designate additional employees of the Missouri state highway patrol as the attorney general determines from time to time to be necessary to serve as deputies to the custodian.

**2.** An investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony pursuant to this section shall transmit them to the custodian. The custodian shall take physical possession of such material, and shall be responsible for the use made of them and for their return pursuant to subsection 5 of this section. The custodian may cause the preparation of such copies of such material as may be required for official use.

**3.** Nothing in this section is intended to prevent disclosure to the general assembly, including any committee or subcommittee of the general assembly, or to any other state agency for use by such agency in furtherance of its statutory responsibilities. Disclosure of information to any such other agency shall be allowed only upon application, made by the attorney general to a circuit court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities.

**4.** Whenever any attorney has been designated to appear on behalf of the state before any court, grand jury, or state agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received pursuant to this section shall deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through introduction into the record of such case or proceeding.

**5.** Material produced in the course of any investigation pursuant to a civil investigative demand shall be returned, upon written request of the person who produced such material, to such person except authorized copies or those which have passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding, if:

**(1)** Any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state agency involving such material, has been completed; or

**(2) No case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation.**

**33.886. 1. At any time during which any custodian is in custody or control of any material received pursuant to section 33.871, such person as provided the material, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the circuit court of the county within which the office of such custodian holding any of the material is situated, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this section.**

**2. Whenever any petition is filed in any circuit court pursuant to this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered pursuant to this section by any court shall be punished as a contempt of the court.**

**33.889. Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand shall be a closed record pursuant to chapter 610, RSMo.**

**33.892. The Missouri rules of civil procedure shall apply to all proceedings pursuant to sections 33.850 to 33.895, except when rules are inconsistent with sections 33.850 to 33.895.**

**33.895. 1. There is hereby created the "Whistleblower Reward and Protection Fund" within the state treasury. All proceeds of an action or settlement of a claim brought pursuant to sections 33.850 to 33.895 shall be transmitted to the director of revenue for deposit in the fund.**

**2. Moneys in the fund shall be allocated, subject to appropriation, as follows: One-sixth of the moneys shall be paid to the attorney general and one-sixth of the moneys shall be paid to the Missouri state highway patrol for state law enforcement purposes. The remaining two-thirds of the moneys in the fund shall be used for payment of awards to citizen plaintiffs, for attorneys' fees and expenses, and as otherwise specified in sections 33.850 to 33.895. The attorney general shall direct the state treasurer to make disbursement of funds as provided in court orders setting those awards, fees, and expenses. The state treasurer shall transfer any fund balances in excess of those required for these purposes to the general revenue fund at the end of each biennium."; and**

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

Senator Clay offered SA 7:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 128, Section 21, Line 4 of said page, by inserting immediately after said line the following:

**"Section 22. The medical assistance program established in section 208.151, RSMo, shall provide coverage of nonsystemic prescription drugs for the treatment of obesity, which are approved by the federal Food and Drug Administration, for eligible persons who have a body mass index equal to or greater than thirty kg/m<sup>2</sup> or twenty-seven kg/m<sup>2</sup> in the presence of another risk factor including diabetes, cardiovascular disease, hypertension, stroke or elevated cholesterol. Such coverage may be subject to prior authorization."; and**

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Flotron offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 128, Section 21, Line 4, by inserting after said line a new section to read as follows:

"Section 22. The provisions of sections 198.039 and 208.156 notwithstanding, a person entitled by those aforementioned statutory sections to a hearing pursuant to chapter 621, RSMo may elect to bring its action before the circuit court of the county wherein it resides or in which its facility is located or the circuit court of Cole County pursuant to the provisions of section 536.150, RSMo. An appeal of a decision the circuit court from such action may be appealed to the court of appeals for the appropriate district."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 9**, which was read:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 128, Section 21, Line 4, by adding one new section:

"Section 22. All enforcement provisions of this law relating to long term care facilities, with the exception of those provisions relating to the employee disqualification list, shall become effective only when the Division of Medical Services has adequate appropriation to pay a Medicaid rate equal to the 1998 audited actual allowable costs for Medicaid as determined by audit of the Department of Social Services.".

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Bentley, Childers, Goode and Johnson.

At the request of Senator Steelman, **SA 9** was withdrawn.

Senator Caskey moved that **SS No. 2** for **SCS** for **HS** for **HB 1615**, as amended, be adopted, which motion prevailed.

Senator Caskey was recognized to close on the bill.

President Pro Tem Quick referred **SS No. 2** for **SCS** for **HS** for **HB 1615**, as amended, to the Committee on State Budget Control.

#### PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 894**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1292**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1292**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, entitled:

An Act to repeal sections 302.160 and 577.010, RSMo 1994, and sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.540, 302.541, 302.545, 577.001, 577.012, 577.021, 577.023, 577.037, 577.041, 577.600 and 577.602, RSMo Supp. 1999, relating to driving with excessive blood alcohol content, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendments Nos. 2, 3, 4, 5, 6, 7, 8, House Substitute Amendment No. 1 for House Amendment No. 9, House Amendments Nos. 10 and 11.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

##### FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 & 782, Page 12, Section 302.302, Line 24 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 13, Section 302.302, Line 4 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Pages 29 and 30, Section 302.505, Lines 24 and 1 of said pages, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 30, Section 302.505, Line 11 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 31, Section 302.510, Line 6 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 31, Section 302.510, Line 8 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 31, Section 302.510, Lines 16 and 17 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 32, Section 302.520, Line 14 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 32, Section 302.520, Line 18 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 38, Section 302.541, Line 11 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 38, Section 302.541, Line 15 of said page, by deleting the words "**eighty-five**

**thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 38, Section 302.541, Lines 22 to 23 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 39, Section 302.545, Line 8 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 42, Section 577.012, Lines 21 to 22 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 49, Section 577.037, Lines 20 to 21 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 50, Section 577.037, Line 20 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 52, Section 577.041, Line 21 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 55, Section 577.041, Line 4 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 62, Line 6, by inserting immediately after said line the following:

"50.550. 1. The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

**6. Subject to the provisions of Section 50.555 the county commission may create a fund to be known as "The ..... County Crime Reduction Fund".**



7. [6.] The county commission may create other funds as are necessary from time to time.

**50.555. 1. A county commission may establish by resolution a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.**

**2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.**

**3. Money from the county crime reduction fund shall only be expended for the following purposes:**

**(1) narcotics investigation, prevention and intervention;**

**(2) payment of rewards through the sheriff's employees;**

**(3) purchase of law enforcement related equipment and supplies for the sheriff's office;**

**(4) matching funds for federal or state law enforcement grants;**

**(5) funding for the reporting of all state and federal crime statistics or information; and**

**(6) any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime fund that is reasonably related to investigation, preparation, trial and disposition of criminal cases before the courts of the State of Missouri.**

**4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state or federal funds.**

**5. County crime reduction funds shall be audited as are all other county funds.**

558.019. 1. This section shall not be

construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of subsections 2 through 5 of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the

present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. For purposes of this section, the phrase "sentence imposed by the court" means the total aggregate sentence actually imposed by the sentencing court.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

- (b) The record of prior offenses by the offender;
  - (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
  - (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.
- (4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.
- (5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.
- (6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.
- (7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community services;
- (4) Work release programs in local facilities; and
- (5) Community based residential and nonresidential programs; and

**8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to § 50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo. An annual audit of the fund shall be conducted by the county auditor or the state auditor.**

**9. [8.]** The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

- (1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

**3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty in a misdemeanor case or finding of guilt in a misdemeanor case, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo.**

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay."**

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 40, Section 302.545, Line 3, by inserting the following at the end of said section:

**"311.299. 1. Any establishment that is licensed pursuant to chapter 311, RSMo, to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects.". The licensee shall display such sign in a conspicuous place on the licensed premises.**

**2. Any employee of the supervisor of liquor control may report a violation of this section to the supervisor, and the supervisor shall issue a warning to the licensee of the violation."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 43, Section 577.012, Line 9 of said page, by inserting after all of said line the following:

"577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; or

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater; **or**

**(5) If the person was operating a motor vehicle and involved in an accident; except that only a chemical test for drug content shall be performed pursuant to this subdivision and only if there was probable cause to believe the operator was intoxicated at the time of the accident.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason, **or by a law enforcement officer or licensed medical personnel whenever the person has been involved in an accident pursuant to subdivision (5) of this subsection.**

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to him.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute #2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 40, Section 302.545, Line 3, by inserting at the end of said section the following:

"478.001. **1. Drug and alcohol abuse** courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug **and alcohol** use. A drug **and alcohol abuse** court shall combine judicial supervision, drug **and alcohol** testing and treatment of drug **and alcohol abuse** court participants. Except for good cause found by the court, a drug **and alcohol abuse** court making a referral for substance abuse treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the drug **and alcohol abuse** court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug **and alcohol abuse** court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

**2. A court shall determine if an assessment for drug or alcohol abuse is appropriate for a defendant in any drug or alcohol-related prosecution. Such assessment shall be made before sentencing.**

478.003. In any judicial circuit of this state, a majority of the judges of the circuit court may designate a judge to hear cases arising in the circuit subject to the provisions of sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as drug **and alcohol abuse** court commissioners. Each commissioner shall be appointed for a term of four years, but may be removed at any time by a majority of the judges of the circuit court. The qualifications and compensation of the commissioner shall be the same as that of an associate circuit judge. If the compensation of a commissioner appointed pursuant to this section is provided from other than state funds, the source of such fund shall pay to and reimburse the state for the actual costs of the salary and benefits of the commissioner. The commissioner shall have all the powers and duties of a circuit judge, except that any order, judgment or decree of the commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of record entered within the time the judge could set aside such order, judgment or decree had the same been made by the judge. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

478.005. 1. Each circuit court shall establish conditions for referral of proceedings to the drug **and alcohol abuse** court. The defendant in any criminal proceeding accepted by a drug **and alcohol abuse** court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the drug **and alcohol abuse** court program for disposition shall be upon agreement of the parties.

2. Any statement made by a participant as part of participation in the drug **and alcohol abuse** court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile or civil proceeding. Notwithstanding the foregoing, termination from the drug **and alcohol abuse** court program and the reasons for termination may be considered in sentencing or disposition.

3. Notwithstanding any other provision of law to the contrary, drug **and alcohol abuse** court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Upon general request, employees of all such agencies shall fully inform a drug **and alcohol abuse** court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall be treated as closed records and shall not be disclosed to any person outside of the drug **and alcohol abuse** court, and shall be maintained by the court in a confidential file not available to the public.

**478.009. 1. In order to coordinate the allocation of resources available to drug and alcohol abuse courts throughout the state, there is hereby established a "Drug and Alcohol Abuse Courts Coordinating Commission" in the judicial department. The drug and alcohol abuse courts coordinating commission shall consist of one**

member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug and alcohol abuse courts or for operation of drug and alcohol abuse courts; secure grants, funds and other property and services necessary or desirable to facilitate drug and alcohol abuse court operation; and allocate such resources among the various drug and alcohol abuse courts within the state.

2. There is hereby established in the state treasury a "Drug and Alcohol Abuse Court Resources Fund", which shall be administered by the drug and alcohol abuse courts coordinating commission. Funds available for allocation or distribution by the drug and alcohol abuse courts coordinating commission may be deposited into the drug and alcohol abuse court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug and alcohol abuse court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug and alcohol abuse court resources fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 61, Section 577.700, by deleting said section; and

Further amend on Page 45, Subsection 2, Line 20, by adding after the word "felony" "[.] **where such prior offense occurred within five years of the occurrence of the intoxication related traffic offense for which the person is charged.**".

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 11, Section 302.060, Line 3, by inserting immediately after the word "license" the following: ";

**(13) To any person who is found to be a dangerous persistent offender pursuant to section 577.023, RSMo"; and**

Further amend said bill, Page 26, Section 302.309, Line 13, by deleting the following: "**or (12)**" and inserting in lieu thereof the following: ", **(12) or (13)**"; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 62, Section 577.700, Line 6 of said page, by inserting after all of said line the following:

**"Section 1. No municipal court in any city with a population of less than fifty thousand inhabitants shall have jurisdiction over any alcohol-related traffic offense as defined in section 590.010, RSMo, and any such offense shall be tried in the circuit court."**; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

## FOR HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 40, Section 575.012(2), Lines 18, 19 and 23, by inserting before the word "eluding" on Line 18, the word: "**purposely**".

## HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 13, Section 302.302, Line 1 of said page, by inserting immediately after the word "weight" the following: "**or driving with a blood alcohol content of fifteen-hundredths of one percent or more by weight**"; and

Further amend said bill, Page 13, Section 302.302, Line 4 of said page, by inserting immediately after the word "weight" the following: "**or driving with a blood alcohol content of fifteen-hundredths of one percent or more by weight**"; and

Further amend said bill, Page 33, Section 302.520, Line 23 of said page, by inserting after all of said line the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving in connection with the person's business, occupation, or employment, and to and from an alcohol education or treatment program. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol related enforcement contacts during the immediately preceding five years.

3. For purposes of this section, "alcohol related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 [or], 577.012 **or 577.014**, RSMo, or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol related traffic offense, both the suspension or revocation under this section and any other suspension or revocation under this chapter shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation imposed under this chapter, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods."; and

Further amend said bill, Page 43, Section 577.012, Line 9 of said page, by inserting after all of said line the following:



**"577.014. 1. A person commits the crime of "driving with extreme blood alcohol content" if such person operates a motor vehicle in this state with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood.**

**2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For purposes of determining the alcoholic content of a person's blood pursuant to this section, the test shall be conducted pursuant to the provisions of sections 577.020 to 577.041.**

**3. For the first offense, driving with extreme blood alcohol content is a class A misdemeanor.";** and

Further amend said bill, Page 43, Section 577.021, Line 13 of said page, by deleting the word "or" and inserting in lieu thereof the word "[or]"; and

Further amend said bill, Page 43, Section 577.021, Line 14 of said page, by inserting immediately after the number "577.012" the following: "**or 577.014**"; and

Further amend said bill, Page 43, Section 577.023, Line 24 of said page, by inserting immediately after the word "content," the following: "**driving with extreme blood alcohol content,**"; and

Further amend said bill, Page 45, Section 577.023, Line 20 of said page, by inserting immediately after the word "**felony.**" the following: "**Any person who pleads guilty to or is found guilty of a violation of section 577.014 who is alleged and proved to be a prior offender is guilty of a class D felony.**"; and

Further amend said bill, Page 45, Section 577.023, Line 24 of said page, by inserting immediately after the word "**felony.**" the following: "**Any person who pleads guilty to or is found guilty of a violation of section 577.014 who is alleged and proved to be a persistent offender is guilty of a class C felony.**"; and

Further amend said bill, Page 49, Section 577.037, Line 9 of said page, by deleting "or 577.012" and inserting in lieu thereof the following: "[or], 577.012 **or 577.014**"; and

Further amend said bill, Page 50, Section 577.037, Lines 13 to 14 of said page, by deleting "or 577.012" and inserting in lieu thereof the following: "[or], 577.012 **or 577.014**"; and

Further amend said bill, Page 51, Section 577.037, Line 9 of said page, by inserting after all of said line the following:

**"577.039. An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 577.010 [or], 577.012 or 577.014 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer and when such arrest without warrant is made within one and one-half hours after such claimed violation occurred, unless the person to be arrested has left the scene of an accident or has been removed from the scene to receive medical treatment, in which case such arrest without warrant may be made more than one and one-half hours after such violation occurred.";** and

Further amend said bill, Page 51, Section 577.041, Line 16 of said page, by deleting "or 577.012" and inserting in lieu thereof the following: "[or], 577.012 **or 577.014**"; and

Further amend said bill, Page 57, Section 577.041, Line 13 of said page, by inserting after all of said line the following:

**"577.048. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 [or], 577.012 or 577.014 or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the state or local law enforcement agency which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made [under] pursuant to this**

chapter to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The state and each local law enforcement agency may establish a schedule of such costs; however, the court may order the costs reduced if it determines that the costs are excessive.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 [or], 577.012 **or 577.014** or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who attends the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 43, Section 577.010, Line 9, by inserting the following at the end of said section:

"577.017. 1. No person shall consume [any] **an** alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] **or possess an open alcoholic beverage container in the passenger area of the motor vehicle in any motor vehicle operated on a public highway or the right-of-way of a public highway.**

2. Any person found guilty of violating the provisions of this section is guilty of a class C misdemeanor.

3. Any infraction under this section shall not reflect on any records with the department of revenue."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HB 1967** but refuses to concur in **SCA 1** as amended to **HCS** for **HB 1967** and has taken up and passed **HCS** for **HB 1967** as amended by **SA 1** and requests the Senate recede from its position on **SCA 1** as amended and take up and pass the bill.

Emergency Clause adopted on **HCS** for **HB 1967**, as amended.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended: Senators Goode, Schneider, Mathewson, Flotron and Kinder.

#### HOUSE BILLS ON THIRD READING

Senator Childers moved that **HB 1082**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Childers offered **SS** for **SCS** for **HB 1082**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1082

An Act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

Senator Childers moved that **SS** for **SCS** for **HB 1082** be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SCS** for **HB 1082** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Goode--1

Absent--Senators

Schneider Scott--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**CONCURRENT RESOLUTIONS**

Senator DePasco moved that **HCR 28** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 28** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Mathewson

Absent--Senators

Schneider

Scott--3

Absent with leave--Senators--None

President Wilson assumed the Chair.

### HOUSE BILLS ON THIRD READING

**HS** for **HCS** for **HBs 1652** and **1433**, with **SCAs 1, 2, 3, 4, 5** and **6**, entitled:

An Act to repeal sections 149.015, 149.071, 407.927, 407.929 and 407.931, RSMo 1994, relating to sale of tobacco products to minors, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions, with an effective date.

Was taken up by Senator Caskey.

**SCA 1** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

**SCA 2** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

**SCA 3** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

**SCA 4** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

**SCA 5** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

**SCA 6** was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SS** for **HS** for **HCS** for **HBs 1652** and **1433**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1652 and 1433

An Act to repeal sections 407.911, 407.913, 407.927, 407.929 and 407.931, RSMo 1994, relating to tobacco products, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an effective date.

Senator Caskey moved that **SS** for **HS** for **HCS** for **HBs 1652** and **1433** be adopted.

Senator Ehlmann raised the point of order that **SS** for **HS** for **HCS** for **HBs 1652** and **1433** is out of order as it goes beyond the scope and purpose of the original bills as introduced in the House.

The point of order was referred to the President Pro Tem, who ruled it not well taken, stating that it has always been the practice in the Senate to not look beyond the perfected version of the House bill as received from the House for determining germaneness.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Page 2, Section 196.1014, Line 13, by deleting "April 10, 2001" on said line and replace in lieu thereof, the following: "August 30, 2001".

Senator Klarich moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1652 and 1433, Pages 1 and 2, Section 196.1014, by removing all of said section 196.1014 and further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the substitute amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey moved that **SS** for **HS** for **HCS** for **HBs 1652** and **1433**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HS** for **HCS** for **HBs 1652** and **1433**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	NAYS--Senators		
Rohrbach	Scott	Yeckel--3	
	Absent--Senator Bland--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 678** and **742**, entitled:

An Act to repeal sections 56.085, 193.185, 196.790, 211.029, 320.091, 426.220, 426.230, 429.270, 429.360, 451.080, 479.150, 512.180, 534.350, 534.360, 535.110, 537.045, 541.020, 550.120, 565.030, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 1994, and sections 43.503, 67.133, 104.312, 210.865, 211.185, 286.010, 303.041, 351.025, 354.065, 375.1220, 452.556, 455.040, 455.050, 455.205, 476.690, 482.330, 483.310, 483.500, 487.030, 494.455, 534.070, 534.380, 535.030, 537.675 and 610.105, RSMo Supp. 1999, relating to judicial and administrative procedures, and to enact in lieu thereof fifty-seven new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19, as amended, House Amendments Nos. 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44 and 45.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 30, Section 537.675, Line 29, by deleting the word "may" and replacing in lieu thereof after the word "which" the word "shall".

### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 14, Section 429.145, by striking all of said section; and

Further amend the title and enacting clause accordingly.

### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 4, Section 67.133, Line 14, by inserting after all of said line the following:

"70.300. Whenever the contracting party is a political subdivision of this state, the execution of all contracts shall be authorized by a majority vote of the members of the governing body. Each **cooperative** contract shall be in writing and a copy filed in the office of the secretary of state [and in the office of the recorder of deeds in the county in which each contracting municipality or political subdivision is situated]."; and

Further amend title, enacting clause and intersectional references accordingly.

### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Pages 14-15, Section 429.270, Lines 16-20, by striking all of the bold-faced language on said lines and inserting in lieu thereof the following:

**"It shall be a complete defense to a mechanic's lien filed against real estate in this state for the owner or lessee thereof to show that the full consideration agreed upon by the owner or lessee has been paid to the person or**

**persons with whom the owner or lessee entered into an agreement for the improvements to the real estate to which the lien relates or would otherwise attach unless the lien claimant provides written notice to the owner or lessee via certified mail before the expiration of thirty days after the lien claimant first performs any work or delivers any materials for the improvements to the real estate. The notice required by this section shall state the name and business address of the potential lien claimant and shall identify the date upon which the potential lien claimant first performed work or delivered materials. The provisions of this section shall not apply to residential property as defined by section 429.013."**

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 10, Section 286.010, Line 24 of said page, by inserting immediately after said line the following:

"302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536, RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided by the judge sitting without a jury. The presiding judge of the circuit court may assign a [traffic judge, pursuant to section 479.500, RSMo 1994, a] circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license."; and

Further amend said bill, page 74, section 479.150, line 13 of said page, by inserting immediately after said line the following:

"479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010, RSMo, which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. [These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309, 302.311, 302.535 and 302.750, RSMo.]

4. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

5. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

6. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. No term of imprisonment or confinement may be assessed by a traffic judge. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

7. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

8. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.

9. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

10. All costs to establish and operate a county municipal court under section 66.010, RSMo, and this section shall be borne by such county."; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 44, Section B, Line 3, by adding the following at the end of said line:



"Section 3. If a child is emancipated pursuant to any section of law, the amount of child support paid for such child shall automatically be terminated by the court at the time of emancipation. In determining the amount of child support to be paid for any other children for whom the parent is obligated to pay support, the court may use the most recent form 14 submitted to the court by both parents to recalculate the amount of child support to be paid for any other children. Either parent may file a new form 14 with the court to rebut the presumed child support amount determined by the court in accordance with this subsection."; and

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 23, Section 483.310, by deleting all of said section from the bill; and

Further amend said bill, Page 20, Section 476.690, by deleting all of said section from the bill; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 37, Section 537.693, Line 43 of said page, by inserting after all of said line the following:

"540.105. [An official reporter of the circuit court, when directed by the judge thereof, shall take down and transcribe for the use of the prosecuting or circuit attorney any or all evidence given before the grand jury.] **1. All witness testimony before a grand jury shall be recorded stenographically or by an electronic recording device. The recording or reporter's notes or any transcript prepared therefrom shall remain in the custody or control of the circuit clerk unless otherwise ordered by the court in a particular case.** Before taking down any [such] evidence, [however, such] **the** reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting [him] in the prosecution of an indictment brought by such grand jury.

**2. All testimony recorded or transcribed pursuant to this section is a closed record as provided in chapter 610, RSMo, and shall be accessible to the parties only as provided by supreme court rule.**

**3. Any party requesting a transcript of such testimony shall be responsible for the costs of such transcript.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 26, Section 512.180, Line 1, by deleting the opening bracket on said line; and

Further amend said section, Line 6, by deleting the first closing bracket on said line; and

Further amend said section, Line 13, by deleting the "2" and inserting in lieu thereof "3".

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 4, Section 67.133, Line 14, by adding after said line the following:

"34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

**5. The state auditor shall annually audit cost-plus contracts to determine if the state is receiving the best price.**

**6. The commissioner of administration shall adopt rules to clearly delineate procedures for distributing potential bids to businesses, including publishing and receiving bids by the Internet.**

7. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276, RSMo, when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

34.046. The commissioner of administration may contract directly with other governmental entities for the purchase of supplies. The commissioner of administration may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby supplies are procured in accordance with a contract established by another governmental entity, **including but not limited to the federal governmental services administration**, provided that

such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.

34.070. In making purchases, the commissioner of administration shall give preference to all commodities manufactured, **assembled**, mined, produced or grown within the state of Missouri [and] **by awarding bids** to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. **If more than one bid is deemed of equal quality and price, there shall be a lottery conducted by the division of purchasing to determine the successful bidder.**

34.076. 1. To the extent permitted by federal laws and regulations, whenever the state of Missouri, or any department, agency or institution thereof or any political subdivision shall let for bid any contract to a contractor for any public works or product, the contractor or bidder domiciled outside the boundaries of the state of Missouri shall be required, in order to be successful, to submit a bid the same percent less than the lowest bid submitted by a responsible contractor or bidder domiciled in Missouri as would be required for such a Missouri domiciled contractor or bidder to succeed over the bidding contractor or bidder domiciled outside Missouri on a like contract or bid being let in the person's domiciliary state and, further, the contractor or bidder domiciled outside the boundaries of Missouri shall be required to submit an audited financial statement **and comply with any other requirements** as would be required of a Missouri domiciled contractor or bidder on a like contract or bid being let in the domiciliary state of that contractor or bidder.

2. Subsection 1 of this section shall not apply to any contractor who is qualified for bidding purposes with the department of transportation and submits a successful bid wherein part of or all funds are furnished by the United States.

3. Subsection 1 of this section shall not apply to any public works or product transportation where the bid is less than five thousand dollars.

[34.165. 1. In making purchases for this state, its governmental agencies or political subdivisions, the commissioner of administration shall give a bidding preference consisting of a five-point bonus on bids for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920, RSMo.

2. The commissioner of administration shall make such rules and regulations regarding specifications, quality standards, time of delivery, performance and other relevant matters as shall be necessary to carry out the purpose of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. At the request of the commissioner of administration, the state auditor may examine all records, books and data of any qualified nonprofit organization for the blind to determine the costs of manufacturing products or rendering services and the manner and efficiency of production and administration of such nonprofit organization with relation to any product or services purchased by this state, its governmental agencies or political subdivisions and to furnish the results of such examination to the commissioner for appropriate action.]

37.020. 1. As used in this section, the following words and phrases mean:

(1) "Certification", the determination, through whatever procedure is used by the office of administration, that a legal entity is a socially and economically disadvantaged small business concern for purposes of this section;

(2) "Department", the office of administration and any public institution of higher learning in the state of Missouri;

(3) "Minority business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a minority;

(b) A partnership or joint venture owned and controlled by minorities in which at least fifty-one percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least fifty-one percent owned by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;

(4) "Socially and economically disadvantaged individuals", individuals, regardless of gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area. In determining the degree of diminished credit and capital opportunities the office of administration shall consider, but not be limited to, the assets and net worth of such individual;

(5) "Socially and economically disadvantaged small business concern", any small business concern:

(a) Which is at least fifty-one percentum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least fifty-one percentum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(b) Whose management and daily business operations are controlled by one or more of such individuals;

(6) "Women's business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a woman;

(b) A partnership or joint venture owned and controlled by women in which at least fifty-one percent of the ownership interest is held by women and the management and daily business operations of which are controlled by one or more of the women who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least fifty-one percent owned by women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more women.

2. The office of administration, in consultation with each department, shall establish and implement a plan to increase and maintain the **meaningful** participation of certified socially and economically disadvantaged small business concerns or minority business enterprises, directly or indirectly, in contracts for supplies, services, and construction contracts[, consistent with goals determined after an appropriate study conducted to determine the availability of socially and economically disadvantaged small business concerns and minority business enterprises in the marketplace. Such study shall be completed by December 31, 1991. The commissioner of administration shall appoint an oversight review committee to oversee and review the results of such study. The committee shall be composed of nine members, four of whom shall be members of business, three of whom shall be from staff of selected departments, one of whom shall be a member of the house of representatives, and one of whom shall be a member of the senate].

3. The goals to be pursued by each department under the provisions of this section shall be construed to overlap with those imposed by federal law or regulation, if any, shall run concurrently therewith and shall be in addition to the amount required by federal law only to the extent the percentage set by this section exceeds those required by federal law or regulations.

**4. The office of administration shall regularly, and at least annually, audit minority business enterprise participation reports.**

**5. The office of administration shall conduct at least annually a public conference to discuss the state minority business enterprise program to include the latest rules, participation reports, and MBE/WBE procedures. The**

date and proposed agenda are to be put out on the state web site ninety days prior for public comment.

**34.041. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for any department or agency of the state pursuant to section 8.310 or section 227.100, the department or agency shall be authorized to utilize and shall comply with, procedures established pursuant to section 144.062."**

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Pages 39-40, Section 565.030, Lines 55-60, by striking all of said lines and inserting in lieu thereof the following:

**"6. As used in this section, the term "mental retardation" or "mentally retarded" refers to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with extensive or pervasive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which condition is manifested and documented before eighteen years of age."**

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 13, Section 375.1220, Line 31 of said page, by inserting after all of said line the following:

**"407.820. Any person who is engaged or engages directly or indirectly in purposeful contacts within the state of Missouri in connection with the offering, advertising, purchasing, selling, or contracting to purchase or to sell new motor vehicles, or who, being a motor vehicle franchisor, is transacting or transacts any business with a motor vehicle franchisee who maintains a place of business within the state and with whom he has a franchise, shall be subject to the jurisdiction of the courts and administrative agencies of the state of Missouri, upon service of process in accordance with the provisions of section 506.510, RSMo, irrespective of whether such person is a manufacturer, importer, distributor or dealer in new motor vehicles.**

**407.822. 1. Any party seeking relief pursuant to the provisions of sections 407.810 to 407.835 may file an application for a hearing with the administrative hearing commission within the time periods specified in this section. The application for a hearing shall comply with the requirements for a request for agency action set forth in chapter 536, RSMo. Simultaneously, with the filing of the application for a hearing with the administrative hearing commission, the applicant shall send by certified mail, return receipt requested, a copy of the application to the party or parties against whom relief is sought. [Within ten days of] Upon receiving a timely application for a hearing, the administrative hearing commission shall enter an order fixing a date, time and place for a hearing on the record. [Such hearing shall be within forty-five days of the date of the order but the administrative hearing commission may continue the hearing date up to forty-five additional days by agreement of the parties or upon a finding of good cause.] The administrative hearing commission shall send by certified mail, return receipt requested, a copy of the order to the party seeking relief and to the party or parties against whom relief is sought. The order shall also state that the party against whom relief is sought shall not proceed with the initiation of its activity or activities until the administrative hearing commission issues its final decision or order, and the party against whom relief is sought shall, within thirty days of such order, file its answer or other responsive pleading directed to each claim for relief set forth in the application for hearing. Failure to answer or otherwise respond within such time frame may be deemed by the administrative hearing commission as an admission of the grounds for relief as set forth in the application for hearing.**

**2. Unless otherwise expressly provided in sections 407.810 to 407.835, the provisions of chapter 536, RSMo, shall govern hearings and prehearing procedures conducted pursuant to the authority of this section. Any party may obtain discovery in the same manner, and under the same conditions and requirements, as is or may hereafter be provided for with respect to discovery in civil actions by rule of the supreme court of Missouri for use in the circuit courts, and the administrative hearing commission may enforce discovery by the same methods as**

**provided by supreme court rule for use in civil cases.** The administrative hearing commission shall issue a final decision or order, in proceedings arising pursuant to the provisions of sections 407.810 to 407.835[, within sixty days from the conclusion of the hearing]. **In any proceeding initiated pursuant to sections 407.810 to 407.835 involving a matter requiring a franchisor to show good cause for any intended action being protested by a franchisee, the franchisor shall refrain from taking the protested action if, after a hearing on the matter before the administrative hearing commission, the administrative hearing commission determines that good cause does not exist for the franchisor to take such action. The franchisee may, if necessary, seek enforcement of the decision of the administrative hearing commission pursuant to the provisions of section 407.835. Venue for such proceedings shall be in the circuit court of Cole County, Missouri. In determining any relief necessary for enforcement of the decision of the administrative hearing commission, the court shall defer to the commission's factual findings, and review shall be limited to a determination of whether the commission's decision was authorized by law and whether the commission abused its discretion.** Any final decisions of the administrative hearing commission shall be subject to review pursuant to a petition for review to be filed in the court of appeals in the district in which the hearing, or any part of the hearing, is held and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision and notice of the final decision in such a case. **Appeal of the administrative hearing commission's decision pursuant to this section shall not preclude any action authorized by section 407.835, brought in a court of competent jurisdiction, requesting an award of legal or equitable relief, provided that if such an action is brought solely for the purpose of enforcing a decision of the administrative hearing commission which is on appeal pursuant to this section, the court in which such action is pending may hold in abeyance its judgment pending issuance of a decision by the court of appeals.** Review pursuant to this section shall be exclusive and decisions of the administrative hearing commission reviewable pursuant to this section shall not be reviewable in any other proceeding, and no other official or court shall have power to review any such decision by an action in the nature of mandamus or otherwise, except pursuant to the provisions of this section. The party seeking review shall be responsible for the filing of the transcript and record of all proceedings before the administrative hearing commission with the appropriate court of appeals.

3. Any franchisee receiving a notice from a franchisor pursuant to the provisions of sections 407.810 to 407.835, or any franchisee adversely affected by a franchisor's acts or proposed acts described in the provisions of sections 407.810 to 407.835, shall be entitled to file an application for a hearing before the administrative hearing commission for a determination as to whether the franchisor has good cause for its acts or proposed acts.

4. Not less than sixty days before the effective date of the initiation of any enumerated act pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 407.825, a franchisor shall give written notice to the affected franchisee or franchisees, by certified mail, return receipt requested, except as follows:

(1) Upon the initiation of an act pursuant to subdivision (5) of subsection 1 of section 407.825, such notice shall be given not less than fifteen days before the effective date of such act only if the grounds for the notice include the following:

(a) Transfer of any ownership or interest in the franchised dealership without the consent of the motor vehicle franchisor;

(b) Material misrepresentation by the motor vehicle franchisee in applying for the franchise;

(c) Insolvency of the motor vehicle franchisee or the filing of any petition by or against the motor vehicle franchisee under any bankruptcy or receivership law;

(d) Any unfair business practice by the motor vehicle franchisee after the motor vehicle franchisor has issued a written warning to the motor vehicle franchisee to desist from such practice;

(e) Conviction of the motor vehicle franchisee of a crime which is a felony;

(f) Failure of the motor vehicle franchisee to conduct customary sales and service operations during customary business hours for at least seven consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the motor vehicle franchisee has no control; or

(g) Revocation of the motor vehicle franchisee's license;

(2) Upon initiation of an act pursuant to subdivision (7) of subsection 1 of section 407.825, such notice shall be given within sixty days of the franchisor's receipt of a written proposal to consummate such sale or transfer and the receipt of all necessary information and documents generally used by the franchisor to conduct its review. **The franchisor shall acknowledge in writing to the applicant the receipt of the information and documents and if the franchisor requires additional information or documents to complete its review, the franchisor shall notify the applicant within fifteen days of the receipt of the information and documents. If the franchisor fails to request additional information and documents from the applicant within fifteen days after receipt of the initial forms, the sixty-day time period for approval shall be deemed to run from the initial receipt date. Otherwise, the sixty-day time period for approval shall run from receipt of the supplemental requested information. In no event shall the total time period for approval exceed seventy-five days from the date of the receipt of the initial information and documents.** The franchisor's notice of disapproval shall also specify the reasonable standard which the franchisor contends is not satisfied and the reason the franchisor contends such standard is not satisfied. Failure on the part of the franchisor to provide such notice shall be conclusively deemed an approval by the franchisor of the proposed sale or transfer to the proposed transferee. A franchisee's application for a hearing shall be filed with the administrative hearing commission within twenty days from receipt of such franchisor's notice;

(3) Pursuant to paragraphs (a) and (b) of subdivision (14) of subsection 1 of section 407.825, such notice shall be given within sixty days of the franchisor's receipt of a deceased or incapacitated franchisee's designated family member's intention to succeed to the franchise or franchises or of the franchisor's receipt of the personal and financial data of the designated family member, whichever is later.

5. A franchisor's notice to a franchisee or franchisees pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 407.825 shall contain a statement of the particular grounds supporting the intended action or activity which shall include any reasonable standards which were not satisfied. The notice shall also contain at a minimum, on the first page thereof, a conspicuous statement which reads as follows: "NOTICE TO FRANCHISEE: YOU MAY BE ENTITLED TO FILE A PROTEST WITH THE MISSOURI ADMINISTRATIVE HEARING COMMISSION IN JEFFERSON CITY, MISSOURI, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE CONTENTS OF THIS NOTICE. ANY ACTION MUST BE FILED WITHIN TWENTY DAYS FROM RECEIPT OF THIS NOTICE."

6. When more than one application for a hearing is filed with the administrative hearing commission, the administrative hearing commission may consolidate the applications into one proceeding to expedite the disposition of all relevant issues.

7. In all proceedings before the administrative hearing commission pursuant to this section, section 407.825 and section 621.053, RSMo, where the franchisor is required to give notice pursuant to subsection 4 of this section, the franchisor shall have the burden of proving by a preponderance of the evidence that good cause exists for its actions. In all other actions, the franchisee shall have the burden of proof."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 40, Section 565.030, Line 62 of said page, by inserting after all of said line the following:

"595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections

595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid [under] **pursuant to** sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation [under] **pursuant to** sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death [under] **pursuant to** other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the division of workers' compensation on claims heard [under] **pursuant to** sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The division of workers' compensation shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by



the division.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, medicare, medicaid and other state or federal programs, **but not including any life insurance proceeds**; or

(3) From any other public or private funds, including an award payable [under] **pursuant to** the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the division of workers' compensation shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the division of workers' compensation may disregard the responsibility of the victim for his **or her** own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or her** presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.070, monthly social security disability or retirement benefits received by the victim shall not be considered by the division as a factor for reduction of benefits.

5. The division shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 35, Section 537.687, Lines 1-9, by deleting all of said lines and inserting in lieu thereof the following:

**"537.687. Upon request by the division for verification of injuries of victims, the claimant shall submit the information requested by the division and any costs to the claimant for providing such information may be submitted as part of the claim."**

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 9, Section 286.010, Lines 1-24, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 44, by inserting after all of said line, the following:

**"221.510. 1. This section hereafter shall be known as "Jake's Law" in honor of Jake Robel.**

2. Every chief law enforcement official, sheriff, public jailer, private jailer, department of corrections officials and all regional jail district officials shall conduct an inquiry of pending outstanding warrants on all prisoners about to be released, whether convicted or being held on suspicion of charges.

3. No prisoner, whether convicted or being held on suspicion of charges, shall be released from one correctional facility to another prior to having a warrant check conducted by an authorized member of the correctional facility.

4. If any prisoner's warrant check indicates outstanding charges or outstanding warrants from another jurisdiction, it shall be the duty of the official requesting the warrant check to inform the agency that issued the warrant that the correctional facility has such person in custody and that prisoner shall not be released unless to the custody of the jurisdictional authority that had issued the warrant, unless the warrant has been satisfied or dismissed, or unless the warrant issuing agency has notified the correctional facility holding the prisoner that they do not wish the prisoner be transferred or the warrant to be pursued.

5. Any person may make a report to the Missouri highway patrol for violations of this section, which shall conduct an investigation. If, in the opinion of the superintendent of the highway patrol, the investigation yields reasonable grounds to believe that a violation of this section is occurring or has occurred, he or she shall refer such information to either the attorney general or the county prosecutor of the county where the violations are alleged to have occurred.

6. If an authorized member of the correctional facility fails to perform a warrant check which results in the release of a prisoner with outstanding warrants, that individual shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 37, Section 541.020, Line 5, by inserting immediately after said line the following:

"548.131. **1.** Whenever any person within this state shall be charged on the oath of any credible person before any judge or associate circuit judge of this state with the commission of any crime in any other state and, except in cases arising [under] **pursuant to** section 548.061, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of [his] **such person's** bail, probation or parole, or whenever complaint shall have been made before any judge or associate circuit judge in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising [under] **pursuant to** section 548.061, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of [his] **such person's** bail, probation or parole, and is believed to be in this state, the judge or associate circuit judge shall issue a warrant directed to any peace officer commanding [him] **such officer** to apprehend the person named [therein] **in such warrant**, wherever [he] **such person** may be found in this state, and to bring [him] **such person** before the same or any other judge, associate circuit judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant, provided that when a complaint shall be made against any person [under] **pursuant to** the terms of this chapter, the judge or associate circuit judge [shall] **may** take from the prosecutor a bond, to the clerk of the court, with sufficient security, to secure the payment of the costs and expenses which may accrue by occasion of the arrest and detention of the party charged, which bond shall be certified and returned, with the examination, to the office of the circuit clerk and when any such recognizance shall be forfeited, it shall inure to the benefit of the state.

**2. In lieu of a bond pursuant to subsection 1 of this section, the court may order the prosecutor to place sufficient funds on deposit with the court treasury to secure the payment of costs and expenses of the accused.";** and

Further amend the title and enacting clause of said bill accordingly.

#### HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section A, Line 13, by inserting the following after said line:

"34.055. 1. Except as otherwise provided in section 34.057, all invoices for supplies and services purchased by the state, duly approved and processed, shall be subject to interest charges or late payment charges as provided in this section.

2. After the forty-fifth day following the later of the date of delivery of the supplies and services or the date upon which the invoice is duly approved and processed, interest retroactive to the thirtieth day shall be paid on any unpaid balance[, except balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills,] upon application of the vendor thereof. The rate of such interest shall be three percentage points above the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System. **After the thirtieth day following the later of the date of delivery of the supplies and services or the date upon which the invoice is duly approved and processed, a penalty of two percent of the amount due the vendor shall be paid to the vendor. The penalty shall increase by two percent for every thirty-day period thereafter in which the vendor is not paid, except that no such penalty shall exceed eighteen percent in one year.**

3. **The interest and penalties authorized in subsection 2 of this section shall not apply to balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. Balances for such services shall be subject to the interest and penalties authorized pursuant to this subsection.** The state shall be liable for late payment charges on any delinquent bill for services purchased by the state from a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. The rate of such late payment charges shall be as established for each such corporation by order of the public service commission, but bills rendered to the state shall not be considered delinquent until thirty days after rendition of the bill by the corporation.

4. Any [such] interest charges or late payment charges authorized pursuant to this section shall be paid from appropriations which were made for the fiscal year in which the supplies or services were delivered to the respective departments purchasing such supplies or services. The commissioner of administration shall be responsible for the timely implementation of this section and all officers, departments, institutions and agencies of state government shall fully cooperate with the commissioner of administration in the implementation of this section. No late payment penalty shall be assessed against, nor payable by, the state unless pursuant to the provisions of this section.

5. Notwithstanding any other provision of this section, recipients of funds from the low-income energy assistance program shall be exempt from interest charges imposed by such section for the duration of the recipient's participation in the program."; and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1

#### TO HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 1, Section 56.066, Line 3, by deleting the word "seven" and inserting in lieu thereof the word "**four**".

## HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 4, Section 43.503, Line 78, by inserting immediately after said line the following:

"56.066. **1.** In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of seven hundred and fifty persons but less than one thousand five hundred persons, the prosecuting attorney shall receive ten thousand dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of one thousand five hundred persons but less than three thousand persons, the prosecuting attorney shall receive twelve thousand five hundred dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average yearly inmate population in excess of three thousand persons but less than four thousand persons, the prosecuting attorney shall receive fifteen thousand dollars per annum in addition to all other compensation provided by law. In any county which contains facilities which are operated by the department of corrections with a total average inmate population in excess of four thousand persons, the prosecuting attorney shall receive twenty thousand dollars per annum in addition to all other compensation provided by law. The compensation provided in connection with the average inmate population shall not be considered for purposes of determining any increase in compensation from January 1, 1988. The amounts provided in this subsection shall be included in the computation of the maximum allowable compensation as that term is used in section 50.333, RSMo.

**2. Notwithstanding the provisions of section 56.360, the prosecuting attorney of any county of the fourth classification with a population of at least forty-eight thousand and not more than fifty thousand inhabitants shall devote full time to the prosecutor's office, and, except for the performance of official duties, shall not engage in the practice of law.";** and

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 8, Section 211.029, Line 14, by inserting after all of said line the following:

"211.071. **1.** If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, RSMo, second degree murder under section 565.021, RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030, RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

**2.** Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

**3.** Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. [When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11.] If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.073. 1. The court may, in a case when the offender is [under] **less than** seventeen years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition [under] **pursuant to** this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. **The court may suspend imposition of an adult criminal sentence in addition to such juvenile disposition.** Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section if:

(1) A facility is designed and built by the division of youth services specifically for offenders sentenced pursuant to this section and if the division determines that there is space available, based on design capacity, in the facility; and

(2) Upon agreement of the division.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of seventeen, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within

subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

- (1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or
- (2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender [under] **pursuant to** the juvenile disposition shall be credited toward the adult criminal sentence imposed.

**7. A child certified as an adult pursuant to section 211.071 shall not be considered certified as an adult for any other purposes without a separate recertification hearing.**

211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and [make] **upon making** a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, [and] the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his **or her** own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home; **or**

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if [he] **the child** is presently under the court's supervision after an adjudication [under] **pursuant to** the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and [make] **upon making** a finding of fact upon which [it] **the court** exercises its jurisdiction over the child, [and] the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive [it] **the child** in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or



psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by [his] **the child's** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and [his] **the child's** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child [under] **pursuant to** this subdivision, or who benefits from any services performed as a result of an order issued [under] **pursuant to** this subdivision, shall be immune from any suit by the child ordered to perform services [under] **pursuant to** this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services [under] **pursuant to** this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services [under] **pursuant to** this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court;

**(10) The imposition of any disposition pursuant to subdivision (3) of subsection 3 of this section may, in the court's discretion, be suspended upon such terms and conditions as the court deems just and proper. The records of any disposition, the imposition of which has been suspended, shall be closed records to the same extent as provided pursuant to section 610.105, RSMo, for a suspended imposition of sentence in a court of general jurisdiction.**

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed [under] **pursuant to** the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance

with section 211.185."; and

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Pages 20 to 21, Section 478.009, by deleting all of said section and inserting in lieu thereof the following:

"478.001. **1. Drug and alcohol abuse** courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug **and alcohol** use. A drug **and alcohol abuse** court shall combine judicial supervision, drug **and alcohol** testing and treatment of drug **and alcohol abuse** court participants. Except for good cause found by the court, a drug **and alcohol abuse** court making a referral for substance abuse treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the drug **and alcohol abuse** court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug **and alcohol abuse** court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

**2. A court shall determine if an assessment for drug or alcohol abuse is appropriate for a defendant in any drug or alcohol-related prosecution. Such assessment shall be made before sentencing.**

478.003. In any judicial circuit of this state, a majority of the judges of the circuit court may designate a judge to hear cases arising in the circuit subject to the provisions of sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as drug **and alcohol abuse** court commissioners. Each commissioner shall be appointed for a term of four years, but may be removed at any time by a majority of the judges of the circuit court. The qualifications and compensation of the commissioner shall be the same as that of an associate circuit judge. If the compensation of a commissioner appointed pursuant to this section is provided from other than state funds, the source of such fund shall pay to and reimburse the state for the actual costs of the salary and benefits of the commissioner. The commissioner shall have all the powers and duties of a circuit judge, except that any order, judgment or decree of the commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of record entered within the time the judge could set aside such order, judgment or decree had the same been made by the judge. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

478.005. 1. Each circuit court shall establish conditions for referral of proceedings to the drug **and alcohol abuse** court. The defendant in any criminal proceeding accepted by a drug **and alcohol abuse** court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the drug **and alcohol abuse** court program for disposition shall be upon agreement of the parties.

2. Any statement made by a participant as part of participation in the drug **and alcohol abuse** court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile or civil proceeding. Notwithstanding the foregoing, termination from the drug **and alcohol abuse** court program and the reasons for termination may be considered in sentencing or disposition.

3. Notwithstanding any other provision of law to the contrary, drug **and alcohol abuse** court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Upon general request, employees of all such agencies shall fully inform a drug **and alcohol abuse** court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall be treated as closed records and shall not be disclosed to any person outside of the drug **and alcohol abuse** court, and shall be maintained by the court in a confidential file not available to the public.

**478.009. 1. In order to coordinate the allocation of resources available to drug and alcohol abuse courts throughout the state, there is hereby established a "Drug and Alcohol Abuse Courts Coordinating Commission"**

in the judicial department. The drug and alcohol abuse courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug and alcohol abuse courts or for operation of drug and alcohol abuse courts; secure grants, funds and other property and services necessary or desirable to facilitate drug and alcohol abuse court operation; and allocate such resources among the various drug and alcohol abuse courts within the state.

2. There is hereby established in the state treasury a "Drug and Alcohol Abuse Court Resources Fund", which shall be administered by the drug and alcohol abuse courts coordinating commission. Funds available for allocation or distribution by the drug and alcohol abuse courts coordinating commission may be deposited into the drug and alcohol abuse court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug and alcohol abuse court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug and alcohol abuse court resources fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 25, Line 21, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO 24

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 20, Section 476.690, Line 29, by adding after said line, the following:

"476.777. 1. There is hereby established in the state treasury a special fund, to be known as the "Missouri CASA Fund". The state treasurer shall credit to and deposit in the Missouri CASA fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. The general assembly may appropriate moneys into the fund to support the court-appointed special advocate (CASA) program throughout the state.

2. The state treasurer shall invest moneys in the Missouri CASA fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the fund shall be credited to the Missouri CASA fund.

3. The state courts administrator shall administer and disburse moneys in the Missouri CASA fund based on the following requirements:

(1) The office of state courts administrator shall set aside funding for new start-up CASA programs throughout the state;

(2) Every recognized CASA program shall receive a base rate allocation, with availability of additional funding based on the number of children with abuse or neglect cases under the jurisdiction of the court; and

(3) All CASA programs being considered for funding shall be recognized by and affiliated with the state and national CASA associations.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri CASA fund shall not revert to the credit of the general revenue fund at the end of the biennium."; and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 43, Section 2, Line 5, by inserting after said line the following:

**"105.1225. 1. The office of administration and the departments of agriculture, conservation, economic development, elementary and secondary education, health, higher education, insurance, labor and industrial relations, mental health, natural resources, public safety, revenue, social services, and transportation shall each develop a technology master plan to study methods of improving the delivery and efficiency of services to members of the public. Each technology master plan shall include the description of at least one pilot project which will allow easier access and availability of agency services through Internet web site connections and other technologies. The office of administration may contract for information technology consulting services and other services deemed necessary to conduct the study. Each agency shall submit a copy of its technology master plan to the commissioner of the office of administration no later than December 31, 2000. The commissioner shall compile the master plans and submit a unified report to the speaker of the house of representatives and the president pro tempore of the senate no later than March 1, 2001.**

**2. The office of administration, as one of the pilot projects required pursuant to subsection 1 of this section, shall design and implement a purchasing system for supplies, as defined in section 34.010, RSMo, which may be used through the office of administration's Internet web site connection. The online purchasing system shall be available no later than January 1, 2002.**

**3. Each state agency shall make all of its forms available to the public via the Internet and each agency shall accept completed forms from the public via the Internet and by e-mail. Each state agency shall also develop an Internet-based flowchart detailing the process of how its services are accessible to Missouri citizens.**

**161.640. The department of elementary and secondary education shall establish, as one of the pilot projects in the technology master plan required pursuant to section 105.1225, RSMo, a grant program to provide funds, as**

**appropriated by law, for any county of the fourth classification with a population of at least twenty thousand and not more than twenty-five thousand inhabitants containing a habilitation facility of the Missouri department of mental health to purchase computer software designed for the reactive acquisition of vocabulary elements.**

575.060. 1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of [his] **such public servant's** duty, [he] **the person**:

(1) Submits any written false statement, which [he] **the person** does not believe to be true

(a) In an application for any pecuniary benefit or other consideration; or

(b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or

(2) Submits or invites reliance on

(a) Any writing which [he] **the person** knows to be forged, altered or otherwise lacking in authenticity; or

(b) Any sample, specimen, map, boundary mark, or other object which [he] **the person** knows to be false[.]; **or**

**(3) Knowingly submits a false report to the state.**

2. The falsity of the statement or the item [under] **pursuant to** subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions [under] **pursuant to** subsection 1 of this section.

3. It is a defense to a prosecution [under] **pursuant to** subsection 1 of this section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:

(1) The falsity of the statement or item was exposed; or

(2) The public servant took substantial action in reliance on the statement or item.

4. The defendant shall have the burden of injecting the issue of retraction [under] **pursuant to** subsection 3 of this section.

5. Making a false declaration is a class [B] **A** misdemeanor.

#### HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 25, Line 21, by inserting at the end of said line the following:

**"491.076. 1. Any statement by an elderly or disabled person, as defined in section 660.053, RSMo, made at or near the time of an alleged crime while the person is still under the stress of excitement caused by the alleged crime shall be admissible into evidence in criminal, civil and administrative proceedings in this state as substantive evidence to prove the truth of the matter asserted if:**

**(1) The elderly or disabled person testifies or the person is unavailable as a witness at the time of the criminal, civil or administrative proceeding due to the person's physical or mental condition; and**

**(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability.**

**2. A statement may not be admitted in a criminal proceeding pursuant to this section unless the prosecuting attorney makes known to the accused or the accused's counsel his or her intention to offer the statement and**

the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused's counsel with a fair opportunity to prepare to meet the statement.

**3. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law."**

#### HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 14, Section 429.145, Line 1, by inserting after said line the following:

"429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land [under or by virtue of] **pursuant to** any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for such person's landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or lessee on which the building or improvements are situated, to the extent of one acre. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered [under] **pursuant to** the laws of this state to practice architecture, engineering or land surveying.

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water [under or by virtue of] **pursuant to** any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of one acre, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure [under or by virtue of] **pursuant to** any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of one acre. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

**4. If a city, town, village or county with a charter form of government has, with or without a contract, ordered a mechanic or other person to perform the work described in subsection 3 of this section, and if that city, town, village or county has paid the mechanic or other person in full at any time within one hundred twenty days after the mechanic or other person has completed such work, then that city, town, village or county shall, upon**

**complying with the provisions of sections 429.010 to 429.340, have a lien on the property in lieu of the lien that the mechanic or other person would have had pursuant to subsection 3 of this section.**

**5.** The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 [and] , 3 **and 4** of this section.

[5.] **6.** Any design professional or corporation authorized to have lien rights [under] **pursuant to** subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted for such professional services directly with the design professional or corporation asserting the lien; [and]

(2) The owner or lessee is the owner or lessee of such real property either at the time the contract is made or at the time the lien is filed; **and**

**(3) The agreement is in writing.**

[6.] **7.** Priority between a design professional or corporation lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis.

[7.] **8.** In any civil action, the owner or lessee may assert defenses which include that the actual construction of the planned work or improvement has not been performed in compliance with the professional services contract, is impracticable or is economically infeasible.

[8. The agreement is in writing.] ; and

Further amend title and enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 43, Section 621.198, Lines 6-11, by deleting all of said lines from the bill.

#### HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 27, Section 514.440, after Line 15, the following:

"514.440. **1. Except as provided in subsection 2,** the judges of the circuit court, en banc, in any circuit in this state, by rule of court adopted prior to January 1, [1997] **2001,** may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in the amount of not to exceed fifteen dollars in addition to all other deposits required by law or court rule. Sections 514.440 to 514.460 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

**2. In any circuit wholly within a county of the first classification with a charter form of government having a courthouse in two different cities within the county, the judges of the circuit court, en banc, by rule of court adopted prior to January 1, 2001, may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in the amount of not to exceed twenty dollars in addition to all other deposits required by law or court rule.**

**3.** Sections 514.440 to 514.460 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city."

#### HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 9, Section 211.185, Line 41 of said page, by striking all of said line and inserting in lieu thereof the following: "pursuant to this section, Section 8.150 RSMo, and Section 537.045, RSMo, exceed four thousand dollars **for offenses which occur prior to September 1, 2000; and twenty thousand dollars for offenses which occur on and after September 1, 2000.**"; and

Further amend said bill, Page 29, Section 537.045, Line 15 of said page, by striking all of said line and inserting in lieu thereof the following: "for that judgment up to an amount not to exceed two thousand **dollars for causes of action which accrue before September 1, 2000; and for causes of action which accrue on and after September 1, 2000, twenty thousand**".

#### HOUSE AMENDMENT NO. 32

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 15, Section 451.080, Line 23, by inserting immediately after said section the following:

"452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.

6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.



7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

[8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in section 454.400, RSMo, the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.]" ; and

Further amend said bill, Section 452.556, Page 16, Line 23, by inserting immediately after said line the following:

"454.498. 1. [Notwithstanding section 452.370, RSMo, and sections 454.496 and 454.500, or any other section requiring a showing of substantial and continuing change in circumstances to the contrary, and] as provided for in subdivision (13) of subsection 2 of section 454.400 and taking into account the best interest of the child, the director shall:

(1) Modify, if appropriate, a support order being enforced under Title IV-D of the Social Security Act in accordance with the guidelines and criteria set forth in supreme court rule 88.01 **and section 452.370, RSMo** [if the amount in the current order differs from the amount that would be awarded in accordance with such guidelines]; or

(2) Use automated methods (including automated comparisons with wage or state income tax data) to identify orders eligible for review, conduct the review, identify orders eligible for adjustment and apply the adjustment to the orders eligible for adjustment under any threshold that may be established by the state.

2. If the division conducts a review pursuant to subdivision (2) of subsection 1 of this section, either party to the order may contest the adjustment within thirty days after the date of the notice of adjustment by requesting, if appropriate, a review and modification in accordance with the guidelines and criteria set forth in supreme court rule 88.01. If the review is timely requested, the division shall review and modify the order, if appropriate, in accordance with supreme court rule 88.01. The division may conduct a review pursuant to subdivision (2) of subsection 1 of this section only if the division is unable to conduct a review pursuant to subdivision (1) of subsection 1 of this section.

3. The division may review and adjust a support order upon request outside the three-year cycle [only] upon [a] demonstration by the requesting party **and in accordance with procedural rules established by the division by through rule pursuant to chapter 536** [of a substantial change in circumstances which shall be determined by the division. If the division determines that an adjustment shall not be made, the division shall, within fourteen days, mail notice of such determination to the parents or other child support agency, if any]." and

Further amend the title and enacting clause of said bill accordingly.

#### HOUSE AMENDMENT NO. 33

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 4, Section 43.503, Line 78, by inserting immediately following said line:

"50.550. 1. The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

**6. Subject to the provisions of Section 50.555 the county commission may create a fund to be known as "The . . . County Crime Reduction Fund.**

7. [6.] The county commission may create other funds as are necessary from time to time.

**50.555. 1. A county commission may establish by resolution a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.**

**2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.**

**3. Money from the county crime reduction fund shall only be expended for the following purposes:**

**(1) narcotics investigation, prevention and intervention;**

**(2) payment of rewards through the sheriff's employees;**

**(3) purchase of law enforcement related equipment and supplies for the sheriff's office;**

**(4) matching funds for federal or state law enforcement grants;**

**(5) funding for the reporting of all state and federal crime statistics or information; and**

**(6) any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime fund that is reasonably related to investigation, preparation, trial and disposition of criminal cases before the courts of the State of Missouri.**

**4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state or federal funds.**

**5. County crime reduction funds shall be audited as are all other county funds."; and**

Further amend said bill, Page 38, Section 550.120, Line 21, by inserting immediately following said line;

"558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of subsections 2 through 5 of section

559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. For purposes of this section, the phrase "sentence imposed by the court" means the total aggregate sentence actually imposed by the sentencing court.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community services;
- (4) Work release programs in local facilities; and
- (5) Community based residential and nonresidential programs; and

**8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to § 50.555, RSMo. Said**

**contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo. An annual audit of the fund shall be conducted by the county auditor or the state auditor.**

**9. [8.]** The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

**3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty in a misdemeanor case or finding of guilt in a misdemeanor case, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo.**

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.**

#### HOUSE AMENDMENT NO. 34

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 29, Section 535.110, Line 6, by inserting immediately after said line the following:

"536.025. 1. A rule may be made, amended or rescinded by a state agency without following the provisions of section

536.021, only if the state agency:

- (1) Finds that an immediate danger to the public health, safety or welfare requires emergency action or the rule is necessary to preserve a compelling governmental interest that requires an early effective date as permitted pursuant to this section;
  - (2) Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances;
  - (3) Follows procedures which comply with the protections extended by the Missouri and United States Constitutions; and
  - (4) Limits the scope of such rule to the circumstances creating an emergency and requiring emergency action.
2. At the time of or prior to the adoption of such rule, the agency shall file with the secretary of state, [and] the joint committee on administrative rules, **and the state representative and senator of the area impacted** the text of the rule together with the specific facts, reasons, and findings which support the agency's conclusion that the agency has fully complied with the requirements of subsection 1 of this section. If an agency finds that a rule is necessary to preserve a compelling governmental interest that requires an early effective date, the agency shall certify in writing the reasons therefor.
3. Material filed with the secretary of state and the joint committee on administrative rules under the provisions of subsection 2 of this section shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof. Any rule adopted pursuant to this section shall be reviewed by the secretary of state to determine compliance with the requirements for its publication and adoption established in this section, and in the event that the secretary of state determines that such proposed material does not meet those requirements, the secretary of state shall not publish the rule. The secretary of state shall inform the agency of its determination, and offer the agency a chance to either withdraw the rule or to have it published as a proposed rule.
4. The committee may file with the secretary of state any comments or recommendations that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.
5. The committee may refer comments or recommendations concerning such rule to the appropriations and budget committee of the house of representatives and the appropriations committee of the senate for further action.
6. Rules adopted under the provisions of this section shall be known as "emergency rules" and shall, along with the findings and conclusions of the state agency in support of its employment of emergency procedures, be judicially reviewable under section 536.050 or other appropriate form of judicial review. The secretary of state and any employee thereof, acting in the scope of employment, shall be immune from suit in actions regarding the adoption of rules pursuant to this section.
7. A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. Emergency rules shall not be in effect for a period exceeding one hundred eighty calendar days or thirty legislative days, whichever period is longer. For the purposes of this section, a "legislative day" is each Monday, Tuesday, Wednesday and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.
8. A rule adopted under the provisions of this section shall not be renewable, nor shall an agency adopt consecutive emergency rules that have substantially the same effect, although a state agency may, at any time, adopt an identical rule under normal rulemaking procedures.
9. A rule adopted under the provisions of this section may be effective not less than ten days after the filing thereof in the office of the secretary of state, or at such later date as may be specified in the rule, and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable after the filing thereof.

10. If it is found in a contested case by an administrative or judicial fact finder that an agency rule should not have been adopted as an emergency rule as provided by subsection 1 of this section, then the administrative or judicial fact finder shall award the nonstate party who prevails, as defined in this section, its reasonable fees and expenses, as defined in this section. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the party prior to a finding by an administrative or judicial fact finder that the state agency's action was based on a statement of general applicability which should not have been adopted as an emergency rule, but was in fact adopted as an emergency rule pursuant to this section, then the affected party may bring an action in circuit court of Cole County for the nonstate party's reasonable fees and expenses, as defined in this section.

11. For the purposes of this section, the following terms mean:

(1) "Prevails", obtains a favorable order, decision, judgment or dismissal in a civil action or agency proceeding;

(2) "Reasonable fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test or project which is found by the court or agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees."; and

Further amend title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 35

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 43, Section 2, Line 5 of said page, by inserting after all of said line the following:

**"Section 3. 1. Notwithstanding any provision of law to the contrary, a court of competent jurisdiction may issue a restraining order against persons less than eighteen years of age if it would be appropriate to issue the restraining order if the person was at least eighteen years of age, unless such order is requested by the custodial parent of such child.**

**2. Any person who violates a restraining order issued pursuant to this section is guilty of a class A misdemeanor.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 36

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 7, Section 210.865, Line 13, by adding to the end of said section, the following:

**"This section and section 210.870 shall only apply to children who have been found by a juvenile division of a circuit court to have committed an act which would have been a criminal act if committed by an adult."**

#### HOUSE AMENDMENT NO. 37

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 43, Section 2, Line 5, by inserting after said line the following:

**"Section 3. Revenue placed in the special trust fund pursuant to 67.582 RSMo, may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principle in bonds issued for said capital improvements projects." ; and**

Further amend title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 38

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678

and 742, Page 30, Section 537.045, Line 23, by adding the following Section thereto:

**"537.053. 1. Except as provided in subsection (2) and (3) of §537.053, the General Assembly finds and declares that the consumption of alcoholic beverages, rather than the sale or furnishing or serving such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person. Nothing in this section shall authorize the consumer of any alcoholic beverage to recover from the provider of such alcoholic beverage for injuries or damages suffered by such consumer of such beverages.**

**2. A person or entity who sells, furnishes, or serves alcoholic beverages to a person of lawful drinking age shall not become liable for injury, death or damages to other persons caused by or resulting from the negligence or intoxication of such person; provided, however, a person or entity that knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, and has reason to know that such person may soon operate a motor vehicle shall be liable for injury, death or damage to another person if furnishing such alcoholic beverages directly causes or combines with the negligence of such intoxicated person to directly contribute to cause such injury, death, or damage to such other person.**

**3. A person or entity that sells, furnishes, or serves alcoholic beverages to a minor that such person or entity has reason to know is not of lawful drinking age and has reason to know that such minor may soon operate a motor vehicle shall be liable for injury, death, or damage to another person if furnishing such alcoholic beverages, directly causes or combines with the negligence of such minor not of lawful drinking age to directly cause such injury, death, or damage to such other person.**

**4. No person who owns or occupies a premises shall be liable for the conduct of any person who consumes alcoholic beverages on such premises without the knowledge and without the consent of such person who owns or occupies such premises."; and**

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 39

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 43, Section 2, Line 5, by inserting immediately following said line the following:

**"Section 3. All functions of the ethics commission regarding the implementation, storage, processing and maintenance of any electronic reporting system pursuant to Chapter 105 RSMo and Chapter 130, RSMo, shall, effective January 1, 2001, be transferred to the data processing division established pursuant to Section 37.110, RSMo, within in the office of administration. The ethics commission shall retain its duties provided by law regarding the filing of reports and public access to reports."; and**

Further amend the title and enacting clause of said bill accordingly.

#### HOUSE AMENDMENT NO. 42

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 40, Section 610.105, Line 12, by inserting immediately after said line the following:

**"621.053. Any person authorized to protest any action taken by a motor vehicle, motorcycle or all-terrain vehicle manufacturer, distributor or representative pursuant to a [motor vehicle] franchise agreement may file a protest with the administrative hearing commission as provided in [sections 407.810 to 407.835, RSMo.] chapter 407, RSMo. For cases arising pursuant to chapter 407, RSMo, the administrative hearing commission may, by rule, set a filing fee equal to the filing fee in the circuit court of Cole County."; and**

Further amend said bill, Pages 42-43, Lines 1-21, by striking all of said section and inserting in lieu thereof the following:



"621.198. The administrative hearing commission shall publish and file with the secretary of state [independent sets of] rules of procedure for the conduct of proceedings before it. [One set of rules shall apply exclusively to proceedings in licensing cases under section 621.045. Another set of rules shall apply exclusively to challenges to agency authority brought under section 621.155. A third set of rules shall apply to sales and use and income tax disputes under section 621.050.] Rules of procedure adopted [under] **pursuant to** the authority of this section shall be designed to simplify the maintenance of actions and to enable review to be sought, where appropriate, without the need to be represented by independent counsel. [Each set of rules shall be promulgated under the procedures set forth in sections 536.020 to 536.035, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**"; and

Further amend the title and enacting clause of said bill accordingly.

#### HOUSE AMENDMENT NO. 43

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 40, Section 565.030, Line 62, by inserting after all of said line the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under [seventeen] **eighteen** years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state [who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection] **and has been or is required to register in another state or has been or is required to register under federal or military law; or**

**(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. Part-time in this subdivision means for more than fourteen days in any twelve-month period.**

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief

law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

**3. The registration requirements of sections 589.400 to 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.**

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the [central repository] within [ten] **three** days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

**2. The department of public safety shall develop and maintain a system for making the registry of persons who have pled guilty to or been convicted of a third or subsequent sexual offense requiring registration, and have demonstrated predatory behavior, available on its Internet web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.**

**3. The information shall be removed from the Internet after twenty years unless the offender has pled guilty to or been found guilty of a sexual offense pursuant to chapter 566, RSMo, during such time period.**

589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by [section] **sections 589.400 to 589.425** to register changes such person's residence or address to a different county, the person shall **appear in person and shall** inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person** to the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **as defined in section 558.018, RSMo;**

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

**5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.**

**6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time in this subsection means for more than fourteen days in any twelve-month period.**

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and[:

(1) Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;] **does not meet all requirements of sections 589.400 to 589.425** is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with [section 514.015] **sections 488.010 to 488.020**, RSMo, and shall be payable to the director of the department of revenue.

**3.** The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4.** The remaining funds collected [under] **pursuant to** subsection 1 of this section shall be **devoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system, which may include Internet capabilities, is established pursuant to subsection 3 of section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be** subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100;

[4.] **5.** The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] **6.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor [under] **pursuant to** the following Missouri laws:

(1) Chapter 195, RSMo, relating to drug regulations;

(2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(3) Chapter 491, RSMo, relating to witnesses;

- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to [section 514.015] **sections 488.010 to 488.020**, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims [under] **pursuant to** sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim

shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines."; and

Further amend said bill, Page 43, Section 621.198, Line 21, by inserting after all of said line the following:

**"650.300. As used in sections 650.300 to 650.310, the following terms shall mean:**

- (1) "Catastrophic crime", a violation of section 569.070, RSMo;**
- (2) "Office", the office for victims of crime;**
- (3) "Private agency", a private agency as defined in section 590.010, RSMo;**
- (4) "Public agency", a public agency as defined in section 590.010, RSMo;**
- (5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.**

**650.310. 1. The "Office for Victims of Crime" is hereby created within the department of public safety for the purpose of promoting the fair and just treatment of victims of crime, including victims of computer crimes. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies regarding their interrelation in the provision of victim services and other issues related to victims of crime. The office may directly assist victims of crime in seeking services and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime, the office shall develop and coordinate the implementation of a response plan to meet the needs of any resulting victims of crime.**

**2. The department of corrections shall cooperate with the office for victims of crime in the establishment of a system to reimburse victims of crime for attending parole hearings. The office may reimburse a person for the**

costs of mileage and lost wages incurred by attendance at a parole hearing arising from a crime directly responsible for such person's status as a victim of crime.

**3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation, and maintenance of any such system. When the fiscal resources are available, the system may include Internet computer capabilities.**

**4. The department of public safety may promulgate reasonable rules to meet the objectives of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 44

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 44, by inserting after said page the following:

**"374.695. Sections 374.695 to 374.775 may be known and shall be cited as the "Professional Bail Bondsman Licensing Act".**

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

- (1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;
- (2) "Department", the department of insurance of the state of Missouri;
- (3) "Director", the director of the department of insurance;
- (4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;
- (5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;
- (6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

**374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:**

- (1) "Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;
- (2) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to

the provisions of sections 374.700 to 374.775, is employed by or is working under the authority of a licensed general bail bond agent;

(3) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

(4) "Department", the department of insurance of the state of Missouri;

(5) "General bail bond agent", a surety agent or a property bail bondsman who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;

(6) "Insurer", any surety insurance company which is qualified by the department to transact surety business in Missouri;

(7) "Licensee", a bail bond agent or a general bail bond agent;

(8) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(9) "Surety", a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;

(10) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor;

(11) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

**374.702. 1. No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.**

**2. No judge, attorney, court official, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a bail bond agent or a general bail bond agent.**

**3. A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the license for at least one year prior to owning or being an officer of a licensed general bail bond agent.**

**4. A general bail bond agent shall not engage in the bail bond business:**

**(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;**

**(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.**

**5. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond**



business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

6. Any person who is convicted of a provision of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a provision of this section is guilty of a class D felony.

**374.704. 1. Every applicant for a bail bond agent license or a general bail bond agent license shall apply on forms furnished by the department.**

**2. The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent or insurer for whom the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed qualifying power of attorney from the general bail bond agent or insurer evidencing or authorizing increased monetary limits or amounts for the recognizance.**

**3. An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the department of revenue as provided in chapter 147, RSMo.**

**4. No license shall be granted without a showing that the applicant or applicant's insurer has proof of a three hundred thousand dollar bond or liability policy insuring against any damage to persons or property caused by the applicant.**

374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand dollars] **according to the following schedule**, along with a duly executed assignment [of ten thousand dollars] to the state of Missouri **in the same amount:**

- (a) If the general bail bond agent employs three or less bail bond agents, at least fifteen thousand dollars;**
- (b) If the general bail bond agent employs four to ten bail bond agents, at least twenty-five thousand dollars;**
- (c) If the general bail bond agent employs eleven to fifteen bail bond agents, at least forty-five thousand dollars;**
- (d) If the general bail bond agent employs sixteen to twenty bail bond agents, at least sixty-five thousand dollars;**
- (e) If the general bail bond agent employs twenty-one to twenty-five bail bond agents, at least eighty-five thousand dollars;**
- (f) If the general bail bond agent employs twenty-six to fifty bail bond agents, at least one hundred thousand dollars;**
- (g) If the general bail bond agent employs over fifty bail bond agents, at least two hundred thousand dollars.[, which] The assignment shall become effective upon the applicant's violating any provision of sections 374.700 to**

374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

**374.717. No insurer or licensee, court or law enforcement officer shall:**

**(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:**

**(a) A jailer, policeman, peace officer, committing judge or any other person who has power to arrest or to hold in custody any person; or**

**(b) Any public official or public employee;**

**(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;**

**(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;**

**(4) Accept anything of value from a principal except the premium and expenses incurred; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity from the principal may be used to reimburse the licensee for any costs and expenses incurred associated with the forfeiture. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.**

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony **or crime involving moral turpitude;**

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;

(6) Violation of[, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations;**

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or

suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700 to 374.775;

(11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14)] Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.] **admonish or censure a licensee, or suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

**3. In lieu of filing a complaint at the administrative hearing commission, the department and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

**4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license.**

**374.764. 1. The director shall examine and inquire into all violations of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in this state by any bail bond agent, general bail bond agent or surety recovery agent.**

**2. The director or any of his duly appointed agents may compel the attendance before him, and may examine, under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees or any other person, in reference to the condition, affairs, management of the bail bond or surety recovery business or any matters relating thereto. He may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts or other documents, if necessary.**

**3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by a person other than the director, the person duly appointed by**

the director shall have the same powers as granted to the director pursuant to this section. A certificate of appointment, under the official seal of the director, shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the director may employ the necessary clerical, actuarial and other assistance.

**374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".**

**2. As used in sections 374.782 to 374.789, the following terms mean:**

- (1) "Department", the department of insurance of the state of Missouri;**
- (2) "Fugitive recovery", the tracking down, recapturing and surrendering to the custody of a court a fugitive who has violated a bail bond agreement;**
- (3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.**

**374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.**

**2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.**

**3. The department shall have power to:**

**(1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and**

**(2) Determine the sufficiency of the qualifications of applicants for licensure.**

**4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.**

**374.784. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved by the department.**

**2. The basic course of training shall consist of at least forty hours of training, be taught by personnel with qualifications approved by the department and may include instruction in:**

**(1) The following areas of the law:**

**(a) Constitutional law;**

**(b) Procedures for arresting defendants and surrendering defendants into custody;**

**(c) Civil liability;**

**(d) The civil rights of persons who are detained in custody; and**

**(e) The use of force;**

**(2) Procedures for field operations, including, without limitation:**

**(a) Safety and survival techniques;**

**(b) Searching buildings;**

**(c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and**

**(d) The care and custody of prisoners;**

**(3) The skills required regarding:**

**(a) Writing reports, completing forms and procedures for exoneration;**

**(b) Methods of arrest;**

**(c) Nonlethal weapons;**

**(d) The retention of weapons;**

**(e) Qualifications for the use of firearms;**

**(f) Defensive tactics; and**

**(g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;**

**(4) The following subjects:**

**(a) Demeanor in a courtroom;**

**(b) First aid used in emergencies; and**

**(c) Cardiopulmonary resuscitation.**

**3. No license shall be granted unless the candidate has proof of a one million dollar bond or liability policy insuring against any damages to persons or property caused by the candidate.**

**374.785. 1. The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one million dollar bond or liability policy and such general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.**

**2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of Missouri, before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.**

**3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure**

to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

**374.786. 1.** Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

4. The department may refuse to issue or renew any license required pursuant to sections 374.782 to 374.789 for any one or any combination of causes stated in section 374.787. The department shall notify the applicant in the writing of the reasons for refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

**374.787. 1.** The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

- (1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations;
- (2) Having been convicted of a felony or crime involving moral turpitude;
- (3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;
- (4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;
- (5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;
- (6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions of duties of a surety recovery agent;
- (7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

**3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

**4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.**

**374.788. A surety recovery agent having probable grounds to believe a subject, free on his or her bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court, a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:**

- (1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;**
- (2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and**
- (3) Enter upon private or public property in a reasonable manner to execute an arrest of a subject.**

**374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:**

- (1) Holds himself or herself out to be a licensed surety recovery agent within this state;**
- (2) Claims that he or she can render surety recovery agent services; or**
- (3) Engages in fugitive recovery in this state.**

**2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.**

**590.132. No person shall be commissioned or employed as a peace officer unless he is a resident of Missouri.**

**650.350. As used in sections 650.350 to 650.384, the following terms mean:**

- (1) "Board", the board of private investigator examiners established in section 650.352;**
- (2) "Client", any person who engages the services of a private investigator;**
- (3) "Department", the department of public safety;**
- (4) "Law enforcement officer", a law enforcement officer as defined in section 556.061, RSMo;**
- (5) "Organization", a corporation, trust, estate, partnership, cooperative or association;**
- (6) "Person", an individual or organization;**
- (7) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;**
- (8) "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;**
- (9) "Private investigator business", the furnishing of, making of, or agreeing to make, any investigation for the**

**purpose of obtaining information with reference to:**

- (a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;**
- (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person or for service of process while carrying a firearm;**
- (c) The location, disposition or recovery of lost or stolen property;**
- (d) The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property; or**
- (e) Securing evidence to be used before any court, board, officer or investigating committee.**

**650.352. 1. The "Board of Private Investigator Examiners" is hereby created within the division of professional registration. The board shall be a body corporate and may sue and be sued.**

**2. The board shall be composed of six members appointed by the governor with the advice and consent of the senate. One member of the board shall be a licensed attorney, and one member shall be a public member. Each member of the board shall be a citizen of the United States, a resident of Missouri, at least thirty years of age and, except for the attorney and the public member appointed, shall have been actively engaged in the private investigator business for the previous five years. No more than one board member may be employed by, or affiliated with, the same private investigator agency. The initial board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after appointment to the board.**

**3. The members shall be appointed for terms of four years, except those first appointed, in which case two members, who shall be private investigators, shall be appointed for terms of four years, two members shall be appointed for terms of three years and two members shall be appointed for a one-year term. Any vacancy on the board shall be filled for the unexpired term of the member and in the manner as the first appointment.**

**4. The members of the board shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in performing their official duties on the board.**

**650.354. Unless expressly exempted from the provisions of sections 650.350 to 650.384:**

- (1) It shall be unlawful for any person to engage in the private investigator business in this state unless such person is licensed as a private investigator pursuant to sections 650.350 to 650.384;**
- (2) It shall be unlawful for any person to engage in business in this state as a private investigator agency unless such person is licensed pursuant to sections 650.350 to 650.384.**

**650.356. The following persons shall not be deemed to be engaging in the private investigator business:**

- (1) A person employed exclusively and regularly by one employer in connection only with the internal affairs of such employer and where there exists an employer-employee relationship;**
- (2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;**
- (3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons;**
- (4) An attorney performing duties as an attorney;**
- (5) A collection agency or its employee while acting within the scope of employment, while making an**



investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

(6) Insurers, agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(7) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(8) An insurance adjuster; for the purposes of sections 650.350 to 650.384, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;

(9) An unarmed process server only after having been specially appointed by a court and only when investigating for the purpose of identifying the location of a subject for service of process; or

(10) Any investigator employed by and under the supervision of a licensed attorney while acting within the scope of employment, or who does not represent himself to be a licensed private investigator.

**650.358. 1.** Every person desiring to be licensed in Missouri as a private investigator or private investigator agency shall make application therefor to the board of private investigator examiners. An application for a license pursuant to the provisions of sections 650.350 to 650.384 shall be on a form prescribed by the board of private investigator examiners and accompanied by the required application fee. An application shall be verified and shall include:

(1) The full name and business address of the applicant;

(2) The name under which the applicant intends to do business;

(3) A statement as to the general nature of the business in which the applicant intends to engage;

(4) A statement as to the classification or classifications under which the applicant desires to be qualified;

(5) Two recent photographs of the applicant, of a type prescribed by the board of private investigator examiners, and two classifiable sets of the applicant's fingerprints;

(6) A verified statement of the applicant's experience qualifications; and

(7) Such other information, evidence, statements or documents as may be required by the board of private investigator examiners.

**2.** Before an application for a license may be granted, the applicant shall:

(1) Be at least twenty-one years of age;

(2) Be a citizen of the United States;

(3) Not have a felony conviction or misdemeanor involving theft or drugs;

(4) Provide proof of insurance with amount to be no less than one million in coverage for liability and proof of workers' compensation insurance as required in chapter 287, RSMo. The board shall have the authority to raise the requirements as deemed necessary; and

(5) Comply with such other qualifications as the board adopts by rules and regulations.

**650.360. 1. The board of private investigator examiners may require as a condition of licensure as a private investigator that the applicant:**

- (1) Successfully complete a course of training conducted by a trainer certified pursuant to section 650.382;**
- (2) Pass a written examination as evidence of knowledge of investigator business; and**
- (3) Submit to an oral interview with the board.**

**2. The board shall conduct a complete investigation of the background of each applicant for licensure as a private investigator to determine whether the applicant is qualified for licensure pursuant to sections 650.350 to 650.384. The board will outline basic qualification requirements for licensing as a private investigator and agency. The board will waive testing requirements and issue a license to existing persons and agencies who make application by January 1, 2002, and meet the requirements of subsection 3 of this section.**

**3. In the event requirements have been met so that testing has been waived, qualification is dependent on a showing of for the two previous years:**

- (1) Verifiable levels of revenue;**
- (2) Registration and good standing as a business in the state of Missouri; and**
- (3) One quarter million dollars in business general liability insurance.**

**4. The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure substantially the same as or stricter than that required by this state and shall meet this state's minimum insurance requirements.**

**650.362. The board of private investigator examiners may deny a request for a license if the applicant has:**

- (1) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license pursuant to the provisions of sections 650.350 to 650.384;**
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;**
- (3) Been refused a license pursuant to the provisions of sections 650.350 to 650.384 or had a license revoked in this state or in any other state;**
- (4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 650.350 to 650.384; or**
- (5) Knowingly made any false statement in the application.**

**650.364. 1. Every application submitted pursuant to the provisions of sections 650.350 to 650.384 shall be accompanied by a fee as determined by the board as follows:**

- (1) For an individual license, agency license and employees being licensed to work under an agency license; or**
- (2) If a license is issued for a period of less than two years, the fee shall be prorated for the months, or fraction thereof, for which the license is issued.**

**2. A private investigator license shall allow only the individual licensed by the state to conduct investigations.**

**An agency license shall be applied for separately and held by an individual who is licensed as a private investigator. The agency may hire individuals to work for the agency conducting investigations for the agency only. Persons hired shall make application as determined by the board and meet all requirements set forth by the board except that they shall not be required to meet any experience requirements and shall be allowed to begin working immediately upon the agency submitting their applications. Employees shall attend a certified training program within a time frame to be determined by the board.**

**650.365. 1. All fees required pursuant to sections 650.350 to 650.384 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Board of Private Investigator Examiners Fund", which is hereby created.**

**2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the board for the preceding fiscal year. The amount, if any, in the fund that shall lapse is the amount in the fund that exceeds the appropriate multiple of the appropriations to the board for the preceding fiscal year.**

**3. The board shall set fees, as authorized by sections 650.350 to 650.384 at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 650.350 to 650.384.**

**4. The fees prescribed by sections 650.350 to 650.384 shall be exclusive and notwithstanding any other provision of law, no municipality may require any person licensed pursuant to sections 650.350 to 650.384 to furnish any bond, pass any examination or pay any license fee or occupational tax relative to practicing the person's profession.**

**650.366. 1. The board of private investigator examiners shall determine the form of the license which shall include the:**

- (1) Name of the licensee;**
- (2) Name under which the licensee is to operate; and**
- (3) Number and date of the license.**

**2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design and content as determined by the board shall be issued to each licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions of sections 650.350 to 650.384. When any person to whom a card is issued terminates such person's position, office or association with the licensee, the card shall be surrendered to the licensee and, within five days thereafter, shall be mailed or delivered by the licensee to the board of private investigator examiners for cancellation. Within thirty days after any change of address, a licensee shall notify the board thereof. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.**

**650.368. 1. Any license issued pursuant to sections 650.350 to 650.384 shall expire two years after the date of its issuance. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee, except that:**

- (1) The application upon renewal need only provide information required of original applicants if the information shown on the original application or any renewal thereof on file with the board is no longer accurate;**
- (2) A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file more than two years; and**

**(3) Additional information may be required by rules and regulations adopted by the board of private investigator examiners.**

**2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee, and the licensee is legally responsible for any acts committed by such licensee's employees or agents which are in violation of sections 650.350 to 650.384. A person receiving an agency license shall directly manage the agency and employees.**

**3. A license issued pursuant to the provisions of sections 650.350 to 650.384 shall not be assignable.**

**650.370. 1. Any licensee may divulge to the board, any law enforcement officer or prosecuting attorney, or such person's representative, any information such person may acquire as to any criminal offense, or instruct his or her client to do so if the client is the victim but such person shall not divulge to any other person, except as he or she may be required by law to do, any information acquired by such person at the direction of the employer or client for whom the information was obtained.**

**2. No licensee or officer, director, partner, associate or employee thereof shall:**

**(1) Knowingly make any false report to his or her employer or client for whom information was being obtained;**

**(2) Cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;**

**(3) Use a title, wear a uniform, use an insignia or an identification card or make any statement with the intent to give an impression that such person is connected in any way with the federal government, a state government or any political subdivision of a state government;**

**(4) Appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien or any other lien; or**

**(5) Manufacture false evidence.**

**650.372. Each licensee shall maintain a record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners. Such licensee shall file with the board the complete address of the licensee's principal place of business including the name and number of the street. The board may require the filing of other information for the purpose of identifying such principal place of business.**

**650.374. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and an address as they appear in the records of the board of private investigator examiners. A licensee shall not advertise or conduct business from any Missouri address other than that shown on the records of the board as the licensee's principal place of business unless the licensee has received a branch office certificate for such location after compliance with the provisions of sections 650.350 to 650.384 and such additional requirements necessary for the protection of the public as the board may prescribe by regulation. A licensee shall notify the board in writing within ten days after closing or changing the location of a branch office.**

**650.376. 1. The board of private investigator examiners may deny a request for a license, or may suspend or revoke a license issued pursuant to sections 650.350 to 650.384 or censure or place a licensee on probation if, after notice and opportunity for hearing in accordance with the provisions of chapter 621, RSMo, the board determines that the licensee has:**

**(1) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;**

- (2) Violated any provision of sections 650.350 to 650.384;**
- (3) Violated any rule of the board of private investigator examiners adopted pursuant to the authority contained in sections 650.350 to 650.384;**
- (4) Has been convicted of a felony or misdemeanor involving theft or drugs;**
- (5) Impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;**
- (6) Committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;**
- (7) Knowingly violated, or advised, encouraged or assisted the violation of, any court order or injunction in the course of business as a licensee;**
- (8) Used any letterhead, advertisement or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state or any political subdivision thereof;**
- (9) Used a name different from that under which such person is currently licensed in any advertisement, solicitation or contract for business; or**
- (10) Committed any act which is grounds for denial of an application for a license pursuant to the provisions of section 620.1818.**

**2. After the filing of a complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 1 of this section, for disciplinary action are met, the board may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.**

**3. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.**

**4. The agency may continue under the direction of another employee if the individual holding the license is suspended or revoked as approved by the board. The board shall establish a time frame in which the agency shall identify an acceptable person who is qualified to assume control of the agency, as required by the board.**

**650.378. 1. Each private investigator or investigator agency operating pursuant to the provisions of sections 650.350 to 650.384 shall be required to keep a complete record of the business transactions of such investigator or investigator agency and upon the order of the board shall give free and full opportunity to inspect the same and to inspect reports made; but any information obtained by the board shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall appoint another state agency to act as gatherers of information and facts to present to the board regarding any complaint or inspection they are looking into. The board may hire a private agency as long as the agency is conducting an audit and is not an investigative agency or affiliated in any way with a company that provides investigative services.**

**2. For the purpose of enforcing the provisions of sections 650.350 to 650.384, and in making investigations relating to any violation thereof or to the character, competency and integrity of the applicants or licensees hereunder, and for the purpose of investigating the business, business practices and business methods of any applicant or licensee, or of the officers, directors, partners or associates thereof, the board shall have the power to subpoena and bring before the board any person in this state and require the production of any books, records or papers which the board deems relevant to the inquiry. The board also may administer an oath to and**

take the testimony of any person, or cause such person's deposition to be taken, except that any applicant or licensee or officer, director, partner or associate thereof shall not be entitled to any fees or mileage. A subpoena issued pursuant to this section shall be governed by the rules of civil procedure. Any person duly subpoenaed, who fails to obey such subpoena without reasonable cause or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's or licensee's business, business practices and methods or such violations, shall be guilty of a class A misdemeanor. The testimony of witnesses in any investigative proceeding shall be under oath, and willful false swearing in any such proceeding shall be perjury.

**650.380. 1.** The board shall adopt such rules and regulations as may be necessary to carry out the provisions of sections 650.350 to 650.384.

**2.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in section 650.350 to 650.384 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**3.** The department of public safety shall establish guidelines to permit a private investigator to carry a concealed firearm, not to be greater than the firearm training imposed on a P.O.S.T. commissioned officer of a county of the first classification. Any private investigator holding a valid firearm permit issued by any city not within a county or any city with a population of at least four hundred thousand inhabitants will be exempt from the requirements of this subsection.

**650.382. 1.** The board of private investigator examiners shall certify persons who are qualified to train private investigators.

**2.** In order to be certified as a trainer pursuant to this section, a trainer shall:

- (1)** Be twenty-one or more years of age;
- (2)** Have a minimum of one-year supervisory experience with a private investigator agency; and
- (3)** Be personally licensed and qualified to train private investigators.

**3.** Persons wishing to become certified trainers shall make application to the board of private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

**4.** A certificate shall be granted to a trainer if the board finds that the applicant:

- (1)** Meets the requirements of subsection 2 of this section;
- (2)** Has no felony convictions or misdemeanor involving theft or drugs or currently charged with either;
- (3)** Has sufficient knowledge of private investigator business to be a suitable person to train private investigators;
- (4)** Has supplied all required information to the board; and
- (5)** Has paid the required fee.

5. The certificate issued pursuant to this section shall expire on the second year after the year in which it is issued and shall be renewable biennially upon application and payment of a fee.

650.384. Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted pursuant to sections 650.350 to 650.384 is guilty of a class D felony; and any person who violates any of the other provisions of sections 650.350 to 650.384 is guilty of a class A misdemeanor."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 45

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 44, Section 621.198, Line 4, by inserting after said line the following: "The office shall notify the local prosecutor of any owner's, employee's, agents, or affiliates of a long-term care facility who pays any portion of funds received from the State of Missouri to any person as a reward, incentive, or bribe for influencing an elderly or disabled person to reside at a particular facility"; and

Further amend the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

President Wilson assumed the Chair.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate recede from its position on **SCA 1**, as amended, to **HCS** for **HB 1967**, which motion prevailed.

On motion of Senator Scott, **HCS** for **HB 1967**, as amended by **SA 1**, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that the Senate recede from its position on **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, which motion prevailed.

On motion of Senator Maxwell, **HCS** for **HBs 1386** and **1086** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

## CONFERENCE COMMITTEE REPORTS

Senator Jacob, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1292**, as amended, submitted the following conference committee report:

### CONFERENCE COMMITTEE REPORT ON

### SENATE COMMITTEE SUBSTITUTE FOR

### HOUSE BILL NO. 1292

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1292 with Senate Amendment No. 2, Senate Amendment No. 3, Senate



Amendment No. 6, Senate Substitute Amendment No. 1 for Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment 1 to Senate Amendment 15 and Senate Amendment 15 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1292, with Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Substitute Amendment No. 1 for Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment 1 to Senate Amendment 15 and Senate Amendment 15 as amended;

2. That the House recede from its position on House Bill No. 1292;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Ken Jacob  
/s/ William L. Clay, Jr.  
/s/ Paula J. Carter  
/s/ Walt Mueller  
/s/ Betty Sims

FOR THE HOUSE:

/s/ Ron Auer  
/s/ Russell C. Gunn  
/s/ Christopher Liese  
/s/ Chuck Surface  
/s/ T. Mark Elliott

Senator Jacob moved that the above conference committee report be adopted.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SCS** for **HB 1292**, as amended, and request the House to grant further conference.

Senator Jacob requested that a roll call be taken on the substitute motion and was joined in his request by Senators Mathewson, Mueller, Rohrbach and Wiggins.

The substitute motion made by Senator Singleton failed of adoption by the following vote:

YEAS--Senators			
Bentley	Ehlmann	Johnson	Kinder
Russell	Singleton	Westfall--7	
NAYS--Senators			
Bland	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Mathewson	Maxwell	Mueller
Rohrbach	Schneider	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--25			
Absent--Senators			
Klarich	Quick--2		
Absent with leave--Senators--None			

Senator Stoll assumed the Chair.

Senator Singleton was recognized to speak on the motion.

Senator Jacob raised the point of order that Senator Singleton is speaking on the motion for the second time which is out of order according to the Senate Rules.

The point of order was referred to the President Pro Tem.

Senator Schneider requested unanimous consent of the Senate to make a privileged motion while the motion is pending, which request was denied.

The point of order was taken under advisement.

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SCS for SB 763**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 763

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, with House Amendments Nos. 2 and 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8 and 9; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 763; and
3. The attached Conference Committee Sub-stitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763 be adopted.

FOR THE SENATE:

/s/ Jerry Howard  
/s/ Ronnie DePasco  
/s/ Joe Maxwell  
/s/ Doyle Childers  
/s/ David J. Klarich

FOR THE HOUSE:

/s/ Don Kissell  
/s/ D. J. Davis  
/s/ Steve McLuckie  
/s/ Peter Myers  
/s/ Bill Alter

Senator Howard moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Rohrbach-- 1

Absent--Senators

Bland

Ehlmann

Scott--3

Absent with leave--Senators--None

On motion of Senator Howard, **CCS** for **HCS** for **SS** for **SCS** for **SB 763**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 763

An Act to repeal section 407.020, RSMo Supp. 1999, relating to telecommunications merchandising practices, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach-- 1

Absent--Senators

Ehlmann

Scott--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 757** and **602**, entitled:

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.025, 566.067, 566.068, 568.110, 569.093, 573.010, 573.020, 573.025, 573.030, 573.035, 573.037, 573.040 and 660.520, RSMo 1994, and sections 210.001, 210.109, 210.115, 210.150, 453.005, 559.115, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1999, and to enact in lieu thereof thirty new sections relating to the protection of children, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6 and 7.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 38, Section 210.195, Line 4 of said page, by inserting after all of said line the following:

**"431.056. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account and admission to a shelter for victims of domestic violence, as defined in section 455.200, RSMo, or a homeless shelter if:**

- (1) The minor is sixteen or seventeen years of age; and**
- (2) The minor is homeless, as defined in subdivisions (1), (2) and (3) of subsection 1 of section 167.020, RSMo, or a victim of domestic violence, as defined in section 455.200, RSMo, unless the child is under the supervision of the division of family services or the jurisdiction of the juvenile court; and**
- (3) The minor is self-supporting; and**
- (4) The minor's parents have consented to the minor living independent of the parents' control."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 45, Section 566.068, Line 20, by inserting after all of said line the following:

**"568.065. 1. A person commits the crime of genital mutilation if such person:**

- (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or clitoris of a female child less than seventeen years of age; or**
- (2) Is a parent, guardian or other person legally responsible for a female child less than seventeen years of age and permits the excision or infibulation, in whole or in part, of the labia majora, labia minora, vulva or clitoris of such female child.**

**2. Genital mutilation is a class B felony.**

**3. Belief that the conduct described in subsection 1 of this section is required as a matter of custom, ritual or standard practice, or consent to the conduct by the child on whom it is performed or by the child's parent or legal guardian, shall not be an affirmative defense to a charge pursuant to this section.**

**4. It is an affirmative defense that the defendant engaged in the conduct charged which constitutes genital mutilation if the conduct was:**

- (1) Necessary to preserve the health of the child on whom it is performed and is performed by a person licensed to practice medicine in this state; or**

**(2) Performed on a child who is in labor or who has just given birth and is performed for medical purposes connected with such labor or birth by a person licensed to practice medicine in this state.";** and

Further amend said title, enacting clause and intersectional references accordingly.

### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 10, Section 210.109, Line 10 of said page, by inserting after all of said line the following:

"210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;

(2) "Central registry", a registry of persons where the division has found probable cause to believe or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime [under] **pursuant to** section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime [under] **pursuant to** chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;

(3) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(4) "Director", the director of the Missouri division of family services;

(5) "Division", the Missouri division of family services;

(6) "Family assessment and services", an approach to be developed by the division of family services which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(7) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(8) **"Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;**

(9) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being;

[(9)] (10) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

[(10)] (11) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

[(11)] (12) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for

any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child."; and

Further amend said bill, Page 10, Section 210.115, Line 17 of said page, by inserting at the end of said line the phrase "**jail or detention center personnel**"; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 45, Section 566.068, Line 20, by inserting after all of said line the following:

**"568.052. 1. As used in this section, the following terms mean:**

- (1) "Collision", the act of a motor vehicle coming into contact with an object or a person;**
- (2) "Injury", physical harm to the body of a person;**
- (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;**
- (4) "Unattended", not accompanied by an individual fourteen years of age or older.**

**2. A person commits the crime of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian, such person shall be guilty of a class C felony.**

**3. A person commits the crime of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian, such person shall be guilty of a class A misdemeanor."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 44, Section 559.115, Line 9, by inserting after said line, all of the following:

**"566.010. As used in chapters 566 and 568, RSMo, the following terms mean:**

- (1) "Deviate sexual intercourse"[means], any act involving the genitals of one person and the **hand**, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person;**
- (2) "Sexual conduct" [means], sexual intercourse, deviate sexual intercourse or sexual contact;**
- (3) "Sexual contact". [means], any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, for the purpose of arousing or gratifying sexual desire of any person;**
- (4) "Sexual intercourse" [means], any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results."; and**

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 38, Section 453.005, Line 24 of said page, by inserting after all of said line the following:

**"453.011. 1. In all cases in which the termination of parental rights or adoption of a child is contested by any person or agency, the trial court shall, consistent with due process, expedite the contested termination or adoption proceeding by entering such scheduling orders as are necessary to ensure that the case is not delayed, and such case shall be given priority in setting a final hearing of the proceeding and shall be heard at the earliest possible date over other civil litigation, other than division of family services' child protection cases.**

**2. In all cases as specified in subsection 1 of this section which are appealed from the decision of a trial court:**

**(1) The transcript from the prior court proceeding shall be provided to the appellate court no later than thirty days from the date the appeal is filed; and**

**(2) The appellate court shall, consistent with its rules, expedite the contested termination of parental rights or adoption case by entering such scheduling orders as are necessary to ensure that a ruling will be entered within thirty days of the close of oral arguments, and such case shall be given priority over all other civil litigation, other than division of family services' child protection cases, in reaching a determination on the status of the termination of parental rights or of the adoption; and**

**(3) In no event shall the court permit more than one request for an extension by either party.**

**3. It is the intent of the general assembly that the permanency of the placement of a child who is the subject of a termination of parental rights proceeding or an adoption proceeding not be delayed any longer than is absolutely necessary consistent with the rights of all parties, but that the rights of the child to permanency at the earliest possible date be given priority over all other civil litigation other than division of family services' child protection cases."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 757 and 602, Page 19, Section 210.145, Line 9, by inserting after all of said line the following:

**"Such notification shall not preclude nor present any investigation by law enforcement".**

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 894**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 996**, entitled:

An Act to repeal sections 1.160, 43.500, 43.518, 43.521, 43.530, 43.543, 50.550, 150.380, 217.750, 516.371, 537.046,

544.170, 199.200, 565.030, 565.060, 570.020, 570.080, 570.090, 570.120, 575.110, 575.230 and 610.120, RSMo 1994, and sections 43.503, 43.506, 150.465, 195.017, 199.170, 199.180, 210.865, 211.321, 302.302, 304.012, 552.020, 552.040, 556.036, 556.037, 556.061, 558.018, 558.019, 559.021, 565.070, 565.084, 570.010, 570.030 and 577.020, RSMo Supp. 1999, relating to crimes and punishment, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 to House Amendment No. 5, House Amendments Nos. 6 and 7.

## HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 70, Section 491.076, Line 17, by inserting after all of said line the following:

"513.605. As used in sections 513.600 to [513.645] **513.653**, unless the context clearly indicates otherwise, the following terms mean:

(1) (a) "Beneficial interest":

a. The interest of a person as a beneficiary under any other trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

b. The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person;

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located;

(2) "Civil proceeding", any civil suit commenced by an investigative agency under any provision of sections 513.600 to [513.645] **513.653**;

(3) "Criminal activity" is the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the following Missouri laws:

(a) Chapter 195, RSMo, relating to drug regulations;

(b) Chapter 565, RSMo, relating to offenses against the person;

(c) Chapter 566, RSMo, relating to sexual offenses;

(d) Chapter 568, RSMo, relating to offenses against the family;

(e) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

(f) Chapter 570, RSMo, relating to stealing and related offenses;

(g) Chapter 567, RSMo, relating to prostitution;

(h) Chapter 573, RSMo, relating to pornography and related offenses;

(i) Chapter 574, RSMo, relating to offenses against public order;

(j) Chapter 575, RSMo, relating to offenses against the administration of justice;



(k) Chapter 491, RSMo, relating to witnesses;

(l) Chapter 572, RSMo, relating to gambling;

(m) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(n) Chapter 571, RSMo, relating to weapons offenses;

(o) Chapter 409, RSMo, relating to regulation of securities;

(p) Chapter 301, RSMo, relating to registration and licensing of motor vehicles;

(4) "Criminal proceeding", any criminal prosecution commenced by an investigative agency under any criminal law of this state;

(5) "Investigative agency", the attorney general's office, or the office of any prosecuting attorney or circuit attorney;

(6) "Pecuniary value":

(a) Anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or

(b) Any other property or service that has a value in excess of one hundred dollars;

(7) "Real property", any estate or legal or equitable interest in land situated in this state or any interest in such real property, including, but not limited to, any lease or deed of trust upon such real property;

(8) **"Seizing agency", the agency which is the primary employer of the officer or agent seizing the property, including any agency in which one or more of the employees acting on behalf of the seizing agency is employed by the state of Missouri or any political subdivision of this state;**

(9) **"Seizure", the point at which any law enforcement officer or agent discovers and exercises any control over property that an officer or agent has reason to believe was used or intended for use in the course of, derived from, or realized through criminal activity. Seizure includes but is not limited to preventing anyone found in possession of the property from leaving the scene of the investigation while in possession of the property;**

(10) (a) "Trustee":

a. Any person who holds legal or record title to real property for which any other person has a beneficial interest; or

b. Any successor trustee or trustees to any of the foregoing persons;

(b) "Trustee" does not include the following:

a. Any person appointed or acting as a personal representative under chapter 475, RSMo, or under chapter 473, RSMo;

b. Any person appointed or acting as a trustee of any testamentary trust or as trustee of any indenture of trust under which any bonds are or are to be issued.

513.607. 1. All property of every kind, **including cash or other negotiable instruments**, used or intended for use in the course of, derived from, or realized through criminal activity is subject to civil forfeiture. Civil forfeiture shall be had by a civil procedure known as a CAFA forfeiture proceeding.

2. A CAFA forfeiture proceeding shall be governed by the Missouri rules of court, rules of civil procedure, except to the extent that special rules of procedure are stated herein.

**3. Any property seized by a law enforcement officer or agent shall not be disposed of pursuant to section 542.301, RSMo, or by the uniform disposition of unclaimed property act, sections 447.500 through 447.595, RSMo, unless a CAFA forfeiture proceeding is unsuccessful.**

4. In cases where the property is abandoned or unclaimed, an in rem CAFA forfeiture proceeding may be instituted by petition by the prosecuting attorney of the county in which the property is located or seized by the attorney general's office. The proceeding may be commenced before or after seizure of the property.

[4.] **5.** In lieu of, or in addition to, an in rem proceeding under subsection [3] **4** of this section, the prosecuting attorney or attorney general may bring an in personam action for the forfeiture of property, which may be commenced by petition before or after the seizure of property.

[5.] **6.** (1) If the petition is filed before seizure, it shall state what property is sought to be forfeited, that the property is within the jurisdiction of the court, the grounds for forfeiture, and the names of all persons known to have or claim an interest in the property. The court shall determine ex parte whether there is reasonable cause to believe that the property is subject to forfeiture and that notice to those persons having or claiming an interest in the property prior to seizure would cause the loss or destruction of the property. If the court finds that reasonable cause does not exist to believe the property is subject to forfeiture, it shall dismiss the proceeding. If the court finds that reasonable cause does exist to believe the property is subject to forfeiture but there is not reasonable cause to believe that prior notice would result in loss or destruction, it shall order service on all persons known to have or claim an interest in the property prior to a further hearing on whether a writ of seizure should issue. If the court finds that there is reasonable cause to believe that the property is subject to forfeiture and to believe that prior notice would cause loss or destruction, it shall without any further hearing or notice issue a writ of seizure directing the sheriff of the county or other authorized law enforcement agency where the property is found to seize it.

(2) Seizure may be effected by a law enforcement officer authorized to enforce the criminal laws of this state prior to the filing of the petition and without a writ of seizure if the seizure is incident to a lawful arrest, search, or inspection and the officer has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized. Within four days of the date of seizure, such seizure shall be reported by said officer to the prosecuting attorney of the county in which the seizure is effected or the attorney general; and if in the opinion of the prosecuting attorney or attorney general forfeiture is warranted, the prosecuting attorney or attorney general shall, within ten days after receiving notice of seizure, file a petition for forfeiture. The petition shall state, in addition to the information required in subdivision (1) of this subsection, the date and place of seizure. The burden of proof will be on the investigative agency to prove all allegations contained in the petition.

[6.] **7.** After the petition is filed or the seizure effected, whichever is later, every person known to have or claim an interest in the property shall be served, if not previously served, with a copy of the petition and a notice of seizure in the manner provided by the Missouri rules of court and rules of civil procedure. Service by publication may be ordered upon any party whose whereabouts cannot be determined or if there be unknown parties.

[7.] **8.** The prosecuting attorney or attorney general to whom the seizure is reported shall report annually by January thirty-first for the previous calendar year all seizures. Such report shall include the date, time, and place of seizure, the property seized, the estimated value of the property seized, the person or persons from whom the property was seized, the criminal charges filed, and the disposition of the seizure, forfeiture and criminal actions. The report shall be made to the director of the Missouri department of public safety and shall be considered an open record. **The prosecuting attorney or attorney general shall submit a copy of the report to the state auditor at the time the report is made to the director of the department of public safety.**

**9. The state auditor shall make an annual report compiling the data received from law enforcement, prosecuting attorneys and the attorney general, and shall submit the report regarding seizures for the previous calendar year to the general assembly annually by February twenty-eighth.**

**10. Intentional or knowing failure to comply with any reporting requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars."; and**

Further amend said bill, Page 70, Section 491.076, Line 17, by inserting after all of said line the following:

"513.647. 1. No state or local law enforcement agency may transfer any property seized by the state or local agency to any federal agency for forfeiture under federal law until the prosecuting attorney and the circuit judge of the county in which the property was seized first review the seizure and approve the transfer to a federal agency, **regardless of the identity of the seizing agency**. The prosecuting attorney and the circuit judge shall not approve any transfer unless it reasonably appears the activity giving rise to the investigation or seizure involves more than one state or the nature of the investigation or seizure would be better pursued under federal forfeiture statutes. No transfer shall be made to a federal agency unless the violation would be a felony under Missouri law or federal law.

2. Prior to transfer, in an ex parte proceeding, the prosecuting attorney shall file with the court a statement setting forth the facts and circumstances of the event or occurrence which led to the seizure of the property and the parties involved, if known. The court shall certify the filing, and notify by mailing to the last known address of the property owner that his property is subject to being transferred to the federal government and further notify the property owner of his right to file a petition stating legitimate grounds for challenging the transfer. If within ninety-six hours after the filing of the statement by the prosecuting attorney, the property owner by petition shows by a preponderance of the evidence that the property should not be transferred to the federal government for forfeiture, the court shall delay such transfer until a hearing may be held. If the court orders a delay in transfer, no later than ten days after the filing of a petition under this section and sections 513.649 and 513.651, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the prosecutor has proved by a preponderance of the evidence that the investigation or seizure involved more than one state or that the nature of the investigation or seizure would be better pursued under the federal forfeiture statutes, the court shall order that the transfer shall be made."; and

Further amend said bill, Page 70, Section 491.076, Line 17, by inserting after all of said line the following:

"513.653. **1.** Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures.

**2. Intentional or knowing failure to comply with the audit requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 151, Section 577.020, Line 7 of said page, by inserting after all of said line the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under [seventeen] **eighteen** years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state [who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection] **and has been or is required to register in another state or has been or is required to register under federal or military law; or**

**(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. Part-time in this subdivision means for more than fourteen days in any twelve-month period.**

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

**3. The registration requirements of sections 589.400 to 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.**

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the [central repository] within [ten] **three** days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

**2. The department of public safety shall develop and maintain a system for making the registry of persons who have pled guilty to or been convicted of a third or subsequent sexual offense requiring registration, and have demonstrated predatory behavior, available on its Internet web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.**

**3. The information shall be removed from the Internet after twenty years unless the offender has pled guilty to or been found guilty of a sexual offense pursuant to chapter 566, RSMo, during such time period.**

589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by [section] **sections 589.400 to 589.425** to register changes such person's residence or address to a different county, the person shall **appear in person and shall** inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having**

jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person** to the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **as defined in section 558.018, RSMo**;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

**5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.**

**6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time" in this subsection means for more than fourteen days in any twelve-month period.**

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and[:

(1) Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;] **does not meet all requirements of sections 589.400 to 589.425** is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with [section 514.015] **sections 488.010 to 488.020**, RSMo, and shall be payable to the director of the department of revenue.

**3.** The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4.** The remaining funds collected [under] **pursuant to** subsection 1 of this section shall be **devoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system, which may include Internet capabilities, is established pursuant to subsection 3 of section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system.** Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100;

[4.] **5.** The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] **6.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by [section 514.015] **sections 488.010 to 488.020, RSMo.** Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the

crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor [under] **pursuant to** the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and] 9 **and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to [section 514.015] **sections 488.010 to 488.020**, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims [under] **pursuant to** sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines."; and

Further amend said bill, Page 153, Section 610.120, Line 21 of said page, by inserting after all of said line the following:

**"650.300. As used in sections 650.300 to 650.310, the following terms shall mean:**

**(1) "Catastrophic crime", a violation of section 569.070, RSMo;**

**(2) "Office", the office for victims of crime;**



(3) "Private agency", a private agency as defined in section 590.010, RSMo;

(4) "Public agency", a public agency as defined in section 590.010, RSMo;

(5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

**650.310. 1. The "Office for Victims of Crime" is hereby created within the department of public safety for the purpose of promoting the fair and just treatment of victims of crime, including victims of computer crimes. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies regarding their interrelation in the provision of victim services and other issues related to victims of crime. The office may directly assist victims of crime in seeking services and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime, the office shall develop and coordinate the implementation of a response plan to meet the needs of any resulting victims of crime.**

**2. The department of corrections shall cooperate with the office for victims of crime in the establishment of a system to reimburse victims of crime for attending parole hearings. The office may reimburse a person for the costs of mileage and lost wages incurred by attendance at a parole hearing arising from a crime directly responsible for such person's status as a victim of crime.**

**3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation, and maintenance of any such system. When the fiscal resources are available, the system may include Internet computer capabilities.**

**4. The department of public safety may promulgate reasonable rules to meet the objectives of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 3, Section 1.160, Line 1, by inserting at the end of said section the following:

"32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title

18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section.

3. A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.

4. Notwithstanding any other provision of law to the contrary, the department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code.

5. Pursuant to section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.

**6. The department of revenue shall not provide any information on an operator's license issued pursuant to chapter 302, RSMo, except as provided in section 194.240, RSMo, section 302.181, RSMo, or section 302.740, RSMo, or otherwise provided by statute."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 157, Section 6, Line 22, by inserting at the end of said section the following:

**"Section 7. Notwithstanding the provisions of section 56.360, the prosecuting attorney of any county of the fourth classification with a population of at least forty-eight thousand and not more than fifty thousand inhabitants shall devote full time to the prosecutor's office, and, except for the performance of official duties, shall not engage in the practice of law."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1

#### FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 61, Section 221.407, by inserting after said section:

**"221.232. 1. No private person, corporation, partnership, business, association or other entity shall own or operate any jail within this state without meeting all of the requirements set forth in subsection 2 of this section. Neither shall any political subdivision contract with any private entity for the keeping of any person in a jail within this state unless the facility meets all of the requirements set forth in subsection 2 of this section. As used**

in this section, the term "jail" means a place of criminal confinement for pretrial defendants, persons sentenced to less than eighteen (18) months and persons awaiting revocation disposition.

**2. No private provider may acquire land or otherwise establish a presence in a community for the establishment of a jail unless all of the following requirements have been accomplished and documented. The private provider shall furnish:**

- (1) To local law enforcement agencies, hospital services and fire districts in the area affected formal written notification of the intent to establish a private jail prior to a public hearing;**
- (2) In the area affected a well-publicized hearing open to the public shall be held;**
- (3) Submission of an operational plan to the affected city or county council or both and formal approval by the council of the plan. The plan would include but not be limited to:**
  - (a) Maximum security classification of individuals to be confined, the facility's custody level and its maximum capacity;**
  - (b) Internal and perimeter security commensurate with security level;**
  - (c) Written plans concerning infectious and contagious diseases, fire, power failure, transportation, escapes, riots and other emergency and natural disaster situations;**
  - (d) Environmental impact statement concerning the effect of the facility on the surrounding community;**
  - (e) Other factors specified by the jurisdiction;**
- (4) Documentation of management's prerequisite qualifications and experience;**
- (5) Documentation of the private provider's ability to furnish indemnification for liability arising from the operation of the proposed private jail;**
- (6) Documentation of the private provider's ability to meet applicable court orders, correctional standards and constitutional requirements for jails;**
- (7) Documentation of accreditation by the American Jail Association or American Correctional Association and the National Commission on Correctional Health Care."; and**

Further amend title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 139, Section 570.030, Line 21, by inserting the following at the end of said section:

**"570.033. 1. Any person who, without lawful authority, willfully takes another's animal with the intent to deprive [him] the other of [his] such property is guilty of a class D felony.**

**2. Any person who knowingly misappropriates another's pet or a law enforcement or rescue animal with the intent to sell such pet is guilty of a class C felony.**

**3. Any person who knowingly purchases a stolen pet is guilty of a class C felony.**

**4. For the purposes of this section and section 570.035, "pet" means any domesticated animal, including those used for hunting and working stock, normally maintained in or near the household of the owner of such animal.**

5. The department of public safety shall create a registry of missing or stolen pets. The department shall place such registry on the Internet to allow registration through the Internet and allow searches of the registry for animals listed as missing or stolen. Any person who has reported the loss of his or her pet to an appropriate law enforcement agency may register such pet with the department and shall include the date and place of the notification of an appropriate law enforcement agency and any of the pet's identifying features, tags, tattoos or electronic chips in such registry. The department may adopt rules to implement the provisions of this subsection. The department may charge a fee for registration that does not substantially exceed the cost of the program.

6. Any person purchasing a pet for research purposes shall examine such pet for identification markers and shall examine the missing or stolen pet registry. If the pet is found on the registry, the person shall contact the owner for verification. In the event the person believes that the pet may have been stolen, the person shall notify a department of law enforcement of the county in which the sale took place.

7. Any pet sold to a licensed dealer for research purposes shall be accompanied by a health certificate, issued by a licensed veterinarian, that includes all identifying features, tags, tattoos or electronic chips.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**570.035. 1. No person shall knowingly remove any identification marker or tag from a stolen pet with the intent to sell such stolen pet.**

**2. Any person who violates the provisions of subsection 1 of this section is guilty of a class C felony."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 996, Page 127, Section 565.084, Line 23, by inserting the following after all of said line:

"565.090. 1. A person commits the crime of harassment if for the purpose of frightening or disturbing another person, he

(1) Communicates [in writing or by telephone] **by any means** a threat to commit any felony; or

(2) [Makes a telephone call or communicates in writing and] Uses coarse language offensive to one of average sensibility **in the course of communicating to another person**; or

(3) [Makes a telephone call anonymously] **Communicates in a manner that does not reveal the person's identity**; or

(4) [Makes repeated telephone calls] **Repeatedly communicates to another person**.

2. Harassment is a class A misdemeanor **except that a violation of subdivision (1) or (4) of subsection 1 of this section is a class D felony**."; and

Further amend the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House

on **HS** for **HCS** for **SCS** for **SB 894**, as amended: Senators Quick, Johnson, Mathewson, Sims and Singleton.

## PRIVILEGED MOTIONS

Senator Schneider moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 678** and **742**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to concur in **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579** and **782**, as amended, and request the House recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## CONFERENCE COMMITTEE REPORTS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 902**, as amended, submitted the following conference committee report:

### CONFERENCE COMMITTEE REPORT ON

### HOUSE SUBSTITUTE FOR

### HOUSE COMMITTEE SUBSTITUTE FOR

### SENATE SUBSTITUTE FOR

### SENATE BILL NO. 902

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendments Nos. 3, 4 and 6; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 902; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, be adopted.

#### FOR THE SENATE:

/s/ Jim Mathewson  
/s/ Ronnie DePasco  
/s/ Stephen Stoll  
/s/ Larry Rohrbach  
/s/ Steve Ehlmann

#### FOR THE HOUSE:

/s/ Joseph L. Treadway  
/s/ Jim O'Toole  
/s/ James Foley  
/s/ Jon Dolan  
/s/ Matt Boatright

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS--Senators

Bentley	Carter	Clay	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Mathewson	Maxwell	Mueller	Quick

Rohrbach	Schneider	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--25			
	NAYS--Senators		
Caskey	Childers	Ehlmann	Kenney
Klarich	Russell	Singleton	Westfall--8
	Absent--Senator Bland--1		
	Absent with leave--Senators--None		

On motion of Senator Mathewson, **CCS** for **HS** for **HCS** for **SS** for **SB 902**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 902

An Act to repeal sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to gaming, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Mathewson	Maxwell
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
	NAYS--Senators		
Caskey	Ehlmann	Kenney	Klarich
Mueller	Russell	Westfall--7	
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Pro Tem Quick ruled the pending point of order relating to **SCS** for **HB 1292**, as amended, well taken.

**CCR** on **SCS** for **HB 1292**, as amended, was again taken up.

Senator Jacob renewed his motion to adopt the conference committee report.

President Wilson assumed the Chair.

Senator Singleton offered a substitute motion that the Senate refuse to concur in the conference committee report on **SCS** for **HB 1292**, as amended, and request the House to grant further conference and that the Senate conferees be bound to **SA 9**, as amended.

Senator Singleton requested a roll call vote be taken on the adoption of the substitute motion. He was joined in his request by Senators Wiggins, Russell, Childers and DePasco.

The substitute motion made by Senator Singleton failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	Graves	Johnson	Kenney
Kinder	Klarich	Russell	Scott
Singleton	Steelman	Westfall	Yeckel--12
NAYS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	House	Howard	Jacob
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Sims	Staples
Stoll	Wiggins--22		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Singleton offered a substitute motion that the Senate refuse to concur in the conference committee report on **SCS** for **HB 1292**, as amended, and request the House to grant further conference and that the Senate conferees be bound to delete all language relating to nurse first assistants, which motion failed on a standing division vote.

Senator Singleton offered a substitute motion that the Senate refuse to concur in the conference committee report on **SCS** for **HB 1292**, as amended, and request the House to grant further conference and that the Senate conferees be bound to the language of **SA 9**.

Senator Caskey raised the point of order that the substitute motion is out of order since the language of **SA 9** exceeds the differences between the two bodies.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The motion to adopt the conference committee report was again taken up.

At the request of Senator Jacob, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 894**, as amended: Representatives Hoppe, Rizzo, Smith, Griesheimer and Richardson.

Senator Mathewson requested unanimous consent of the Senate for the Committee on State Budget Control to meet while the Senate is in session, which request was granted.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 856**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2

ON HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 856

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Parts I, II, IV and V of House Substitute for House Committee Substitute for Senate Bill No. 856 with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part I, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment 5, House Amendment 6, House Amendment 7, House Amendment 8, House Amendment 9, House Amendment 10, House Amendment 11 to Part II, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part IV, and House Amendment No. 1 to Part V; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 856, as amended;
2. That the Senate recede from its position on Senate Bill No. 856;
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856, with Conference Committee Amendment No. 1, be adopted.

FOR THE SENATE:

/s/ Joe Maxwell  
/s/ Harry Wiggins  
/s/ Paula J. Carter  
/s/ Marvin Singleton  
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Tim Harlan  
/s/ Jim Foley  
/s/ Yvonne Wilson  
/s/ Annie Reinhart  
/s/ Charlie Shields

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.383, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"(3) On or after April 1, 2001, that additional information is necessary to determine if all or part of the claim will be reimbursed and a complete description of all specific additional information that is necessary for the claim to be a clean claim.";** and

Further amend said bill, Page 14, Section 376.383, Line 3 of said page, by inserting immediately after the closing



bracket "]" the following: **"Effective April 1, 2001,"**; and

Further amend said bill, Page 14, Section 376.383, Lines 14-19 of said page, by striking all of said lines and inserting in lieu thereof the following: **"interest paid within the ten-day grace period. If the court finds that a violation of this section occurred before January 1, 2002, the court shall award to a prevailing plaintiff a penalty of twenty-five dollars per day beginning ten days following the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest; unless the court finds that such violation occurred as a result of extreme circumstances beyond the control of the carrier. If the court finds that a violation of this section occurred on or after January 1, 2002, the court shall award to a prevailing plaintiff a penalty of fifty dollars per day beginning ten days following the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest; unless the court finds that such violation occurred as a result of extreme circumstances beyond the control of the carrier."**; and

Further amend said bill, Page 15, Section 376.384, Lines 6-9, by striking all of said lines and inserting in lieu thereof the following: **"electronically. Effective January 1, 2002, all claims which are filed for reimbursement with health carriers by health care providers and are submitted electronically shall be filed in a universal electronic claim form and format which is specified by the department of insurance. The department"**; and

Further amend said bill, Page 22, Section 376.895, Lines 15-19 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"376.895. Any insurer providing coverage for a child with parents who are legally separated or divorced shall provide upon request information regarding covered benefits for such child to both parents regardless of whether the inquiring parent is the primary policyholder."**

Senator Maxwell moved that the above conference committee report no. 2 be adopted.

At the request of Senator Maxwell, the above motion was withdrawn.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 842**, entitled:

An Act to repeal section 320.091, RSMo 1994, and sections 320.094, 321.130 and 321.242, RSMo Supp. 1999, relating to fire protection, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, Page 18, Section 321.242, Line 9 of said page, by inserting after all of said line the following:

**"321.246. 1. The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, or the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county of the first classification without a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand may impose a sales tax in an amount of up to one-**

half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. **In addition, the governing body of any fire protection district which is located in a county of the third classification may impose a sales tax in an amount of up to one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo.** The [tax] **taxes** authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of ..... (district's name) impose a district-wide sales tax of ..... for the purpose of providing revenues for the operation of the fire protection district?

[ ] YES [ ] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the fire protection district sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection district sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such

counties.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 678 and 742**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 678 and 742**, as amended: Representatives May 108, Monaco, Clayton, Lograsso and Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HS** for **HCS** for **HB 1562 and 1433**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579 and 782**, as amended, and grants the Senate a conference thereon.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 678 and 742**, as amended: Senators Schneider, Wiggins, Clay, Klarich and Ehlmann.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579 and 782**, as amended: Senators Caskey, Quick, DePasco, Ehlmann and Westfall.

### **PRIVILEGED MOTIONS**

Senator Caskey moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HBs 1652 and 1433**, as amended, and grants the House a conference thereon, which motion prevailed.

Senator Staples assumed the Chair.

Senator Maxwell moved that **SS No. 2** for **SCS** for **SBs 757 and 602**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 757 and 602**, as amended, entitled:

HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 757 and 602

An Act to repeal sections 210.145, 210.152, 210.192, 210.195, 491.074, 566.025, 566.067, 566.068, 568.110, 569.093, 573.010, 573.020, 573.025, 573.030, 573.035, 573.037, 573.040 and 660.520, RSMo 1994, and sections 210.001, 210.109, 210.115, 210.150, 453.005, 559.115, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1999, and to enact in lieu thereof thirty new sections relating to the protection of children, with penalty provisions.

Was taken up.

Senator Maxwell moved that **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 757** and **602**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senators--None

On motion of Senator Maxwell, **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 757** and **602**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Steelman--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

## CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SS NO. 3** for **SJR 35**, as amended, submitted the following conference committee report:

### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 3 FOR SENATE JOINT RESOLUTION NO. 35

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 1, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, be adopted.

FOR THE SENATE:

/s/ Wayne Goode  
/s/ John Schneider  
/s/ Jim Mathewson  
/s/ Peter Kinder  
/s/ Franc Flotron

FOR THE HOUSE:

/s/ Chuck Graham  
/s/ Gracia Y. Backer  
/s/ Patrick Naeger 155  
/s/ Don Summers 2  
Ralph Monaco

Senator Goode moved that the above conference committee report be adopted.

Senator Clay offered a substitute motion that the Senate refuse to concur in the conference committee report on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended, and request the House to grant the Senate a further conference thereon, which motion failed.

On motion of Senator Goode, the conference committee report on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley

Childers

DePasco

Flotron

Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators		
Bland	Carter	Caskey	Clay
Howard	Russell	Singleton--7	
	Absent--Senators		
Ehlmann	Schneider	Scott--3	
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HCS** for **SS** for **SS No. 3** for **SJR 35**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 3 FOR  
SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens' commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Childers	DePasco	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators		
Bland	Carter	Caskey	Clay
Howard	Russell	Scott--7	
	Absent--Senators		
Ehlmann	Schneider	Singleton--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Photographers from KY-3, Springfield, were given permission to take pictures in the Senate Chamber today.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HBs 1652** and **1433**, as amended: Senators Caskey, Scott, Mathewson, Russell and Bentley.

### PRIVILEGED MOTIONS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 894**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 894

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 894;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Ed Quick  
/s/ Sidney Johnson  
/s/ Jim Mathewson  
/s/ Betty Sims  
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Thomas J. Hoppe  
Henry Rizzo  
/s/ Phil Smith  
/s/ Mark Richardson  
/s/ John Griesheimer

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Quick	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Ehlmann	Graves	Kenney	Kinder
Mueller	Rohrbach	Sims	Singleton--8

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Quick, **CCS** for **HS** for **HCS** for **SCS** for **SB 894**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 894

An Act to repeal sections 53.135, 64.342, 67.547, 67.700, 71.285, 82.817, 140.110, 141.220, 141.540, 141.610, 178.870, 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, sections 32.105, 32.110, 64.725, 67.582, 135.403, 135.484, 135.766, 137.073, 139.053, 140.160, 381.031, 381.231, 381.410, 381.412, 393.705, 393.715 and 620.1039, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly, section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, relating to property ownership, and to enact in lieu thereof seventy new sections relating to the same subject, with penalty provisions, an emergency clause for a certain section and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Carter	Caskey	Clay
DePasco	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Quick	Scott	Singleton	Staples
Stoll	Wiggins--18		

NAYS--Senators

Bentley	Childers	Ehlmann	Flotron
Goode	Graves	Kenney	Kinder
Mueller	Rohrbach	Russell	Sims
Steelman	Westfall	Yeckel--15	

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators

Bland	Carter	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Scott	Staples	Stoll
Wiggins--17			

NAYS--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Yeckel--16



Absent--Senator Schneider--1

Absent with leave--Senators--None

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 892**, entitled:

An Act to repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 921**.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 921, Page 1, In the Title, Line 2, by inserting immediately after "section" the following: "334.128, RSMo 1994, and section"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Section 334.128, RSMo 1994, and section 334.120, RSMo Supp. 1999, are repealed and two new sections enacted in lieu thereof, to be known as sections 334.120 and 334.128, to read as follows:"; and

Further amend said bill, Page 2, Section 334.120, Line 46, by inserting immediately after said line the following:

"334.128. Any person who reports or provides information to the board, or any person who assists the board, including, but not limited to, applicants or licensees who are the subject of an investigation, physicians serving on competency panels, medical record custodians, consultants, **physicians' health programs operated in this state approved by the board for impaired physicians and individuals working, consulting or participating in the physicians' health program**, attorneys, board members, agents, employees or expert witnesses, in the course of any investigation, hearing or other proceeding conducted by or before the board pursuant to the provisions of this chapter, **or based upon voluntary participation by the licensee in the physicians' health program or upon any stipulation or order of the board mandating the licensee to the physicians' health program**, and who does so in good faith and without malice shall not be subject to an action for civil damages as a result thereof, and no cause of action of any nature shall arise against him **or her**. The attorney general shall defend such persons in any such action or proceeding."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 934, 546, 578, 579 and 782**, as amended: Representatives Hosmer, Parker, Schilling, Alter and Barnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HCS** for **HBs 1652 and 1433**, as amended: Representatives Hoppe, Hollingsworth, Hosmer, Dolan and Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HS** for **HCS** for **HB 1797**, as amended, and has taken up and passed **SS** for **HS** for **HCS** for **HB 1797**, as amended by the CCR.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HB 1238**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HB 1238**.

Emergency clause adopted.

### PRIVILEGED MOTIONS

Senator DePasco moved that **SB 996**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SB 996**, as amended, entitled:

### HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 996

An Act to repeal sections 1.160, 43.500, 43.518, 43.521, 43.530, 43.543, 50.550, 150.380, 217.750, 516.371, 537.046, 544.170, 199.200, 565.030, 565.060, 570.020, 570.080, 570.090, 570.120, 575.110, 575.230 and 610.120, RSMo 1994, and sections 43.503, 43.506, 150.465, 195.017, 199.170, 199.180, 210.865, 211.321, 302.302, 304.012, 552.020, 552.040, 556.036, 556.037, 556.061, 558.018, 558.019, 559.021, 565.070, 565.084, 570.010, 570.030 and 577.020, RSMo Supp. 1999, relating to crimes and punishment, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator DePasco moved that **HS** for **HCS** for **SB 996**, as amended, be adopted.

At the request of Senator DePasco, the above motion was withdrawn.

Senator DePasco moved that the Senate refuse to concur in **HS** for **HCS** for **SB 996**, as amended, and request the House to recede from its position and take up and pass **SB 996**, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following message was received from the House through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 925**, entitled:

An Act to amend chapters 26 and 262, RSMo, by adding thereto ten new sections relating to agriculture, with an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4 and 5.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 5, Section 26.700, Line 4 of said page, by inserting after all of said line the following:

"32.105. As used in sections 32.100 to 32.125, the following terms mean:

(1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;

(2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Percent of State or

Geographic Area

Size of Household Family Median Income

One Person 35%

Two Persons 40%

Three Persons 45%

Four Persons 50%

Five Persons 54%

Six Persons 58%

Seven Persons 62%

## Eight Persons 66%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

**(11) "Eligible farmer's market", a group of farmers, each of whom farms agricultural land located within this state which he or she rents or owns, and who have formed a group for the purpose of allowing each member farmer to sell his or her products derived from his or her farming activities to the public at a common structure or building when at least fifty percent of the costs of such structure or building are paid for by such group of farmers;**

**(12) "Eligible new generation cooperative", as defined in section 348.340, RSMo;**

(13) "Homeless assistance pilot project", the program established pursuant to section 32.117;

[(12)] (14) "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;

[(13)] (15) "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; or

**(d) Contributing funds to help finance a building or structure or purchase equipment located within this state and used to sell agricultural food products or to add value to food products produced in this state by members of an eligible new generation cooperative; or contributing funds to help finance a building or structure or purchase equipment owned by a not-for-profit organization located within this state and used to sell agricultural food products or to add value to food products produced by family farms as defined in subdivision (4) of section 350.010, RSMo, or family farm corporations as defined in subdivision (5) of section 350.010, RSMo;**

[(14)] (16) "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] (17) "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

[(16)] (18) "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, **eligible farmers markets** or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding. **The total amount of tax credits allowed for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and one-half million dollars per fiscal year for fiscal years 2002 to 2006.**

**32.116.** Notwithstanding any provision of law to the contrary, tax credits authorized to be used against the tax otherwise due pursuant to chapter 148, RSMo, may be used by insurers on their quarterly estimated installments and reconciling installment for payment of taxes due for the current year or any other year authorized by the underlying tax credit.

**135.813. 1.** Any taxpayer who has provided funds to the department of economic development for the support of a rural housing development revolving loan pilot program, as provided in section 620.1350, shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer has contributed for the program.

**2.** The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed four years. The cumulative amount of tax credits which may be claimed by all the taxpayers in any one fiscal year shall not exceed two hundred ten thousand dollars.

**3.** The taxpayer shall apply for the credit to the department of economic development. The department may require the taxpayer to provide information that is reasonably necessary to determine the applicant's eligibility for a tax credit.

**4.** The department of economic development shall certify to the department of revenue each applicant which qualifies for the tax credit.

**5.** This section shall become effective January 1, 2002, and shall apply to all tax years after December 31, 2001.

**261.032.** The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the AgriMissouri marketing program or any equivalent successor program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**261.037. 1.** There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal years 2004 through 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

**2.** There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the marketing division of the department of agriculture of all moneys in the Missouri agricultural products

marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:

- (1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;
- (2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;
- (3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;
- (4) Providing training and technical assistance to cooperative-marketing partners.

The commission shall establish a fee structure for sellers electing to use the AgriMissouri or successor trademark associated with Missouri agricultural products. Under the fee structure: (1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark; and (2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri or successor trademark, shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark. All trademark fees shall be deposited to the credit of the Missouri agricultural products marketing development fund, created pursuant to section 261.037. The commission may also create two additional trademark labels to be associated with Missouri agricultural products which are certified organic products and certified family farm produced products.

3. The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines and fee structure established by the commission. No rules or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple

majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

**261.038.** The marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies.

**261.110. 1.** The department of agriculture shall develop standards and labeling for organic farming.

**2.** The department of agriculture shall adopt rules to implement the provisions of this section.

**3.** No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**262.260. 1.** The commission shall establish admission fees to be charged at the gates of the fairgrounds. The admission fees, revenues from the sale of privileges and revenues as a result of pari-mutuel wagering shall be payable to and collected by **the department of agriculture and transmitted to** the state director of revenue who shall deposit the same [in the general revenue fund to the credit of the state fair fee account] **to the credit of the "State Fair Fee Fund" which is hereby created in the state treasury. Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources.** The money in the state fair fee [account] **fund** may be used in improving and beautifying the grounds, paying premiums and defraying expenses of the state fair, including officers' salaries, the hire of assistants, expense and equipment, capital improvements and maintenance and repair.

**2.** The unexpended balance in the state fair fee fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the state fair fee fund.

**3.** Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the state fair fee fund."; and

Further amend said bill, Page 10, Section 262.762, Line 16 of said page, by inserting after all of said line the following:

**"263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (*Dipsacus laciniatus*), common teasel (*Dipsacus fullonum*) and kudzu vine (*Pueraria lobata*) which are hereby designated as noxious and dangerous weeds to agriculture.**

**348.430. 1.** The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

**2.** As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;



- (4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;
- (5) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.
3. For tax year 1999, a contributor who contributes funds to the authority may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such contribution. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill. A contributor that receives tax credits for a contribution provided in this section may not be a member, owner, investor or lender of an eligible new generation cooperative that receives financial assistance from the authority either at the time the contribution is made or for a period of two years thereafter.
4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed for the taxable year in which the contributor contributes funds to the authority. Any amount of credit that exceeds the tax due for a contributor's taxable year may be carried forward to any of the contributor's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred or sold. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.
5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407, to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.
6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.
- 348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".
2. As used in this section, the following terms mean:
- (1) "Authority", the agriculture and small business development authority as provided in this chapter;
- (2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;
- (3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility and approved by the authority;

(4) "Member", a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative;

(5) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. Beginning tax year 1999, and subsequent tax years, any member who invests cash funds in an eligible new generation cooperative may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of such member's investment or fifteen thousand dollars.

4. A member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed for the taxable year in which the member contributes capital to an eligible new generation cooperative. Any amount of credit that exceeds the tax due for a member's taxable year may be carried back to any of the member's three prior taxable years and carried forward to any of the member's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred, [or] sold **or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the member**. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. At least ten percent of the tax credits authorized pursuant to this section shall be offered in any fiscal year to projects with capital costs of no more than one million dollars. If the amount of tax credits allowed pursuant to this section exceeds the amount needed for such smaller projects, the remaining tax credits may be offered for projects with capital costs in excess of one million dollars.

6. If members of a project would be eligible for tax credits in excess of one million five hundred thousand dollars, tax credits authorized pursuant to this section shall be prorated between the members on a percent of investment basis, not to exceed the maximum allowed per member.

**620.1350. 1. The department of economic development shall establish three rural housing development revolving loan pilot programs as provided in this section.**

**2. Three pilot programs shall provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in a county of the third classification.**

**3. The loans shall be at no interest and shall be made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.**

**4. Any nonprofit corporation desiring to construct single family housing pursuant to section 620.1350 shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:**

**(1) The area in which the housing is intended to be constructed;**

**(2) A statement about the need for single family housing in such area;**

**(3) The time period required for constructing each home and making it available on the market;**

**(4) A list of the officers, with addresses and phone numbers, of the corporation;**

**(5) The assets and experience of the corporation and the individual or agency who will advise such corporation**

in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loans to qualified nonprofit organizations according to the statement of need and compliance with this section.

6. The department shall set criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in an account to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the fund and used to finance the construction of another home or to repay the loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the fund to be used for the public benefit in construction or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture or in urban areas shall meet the codes in effect in those communities, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling homes to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The nonprofit corporation shall ensure that the sales contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:

- (1) The home has been the primary home of the purchaser for a period of five years after the closing date; and
- (2) The property has not been used as rental property for such five-year period.

**620.1353. 1. The "Rural Housing Development Revolving Loan Pilot Program Fund" is hereby established within the department of economic development. The fund shall consist of all moneys provided by taxpayers to support the rural housing development revolving loan pilot program pursuant to section 135.813, RSMo.**

**2. The fund shall be administered by the department of economic development. Upon appropriation, money in the fund shall be used solely for the purposes contained in section 620.1350. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.**

**3. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not be transferred to the general revenue fund."; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 13, Section 4, Lines 21-25, by deleting all of said lines and inserting in lieu thereof the following:

**"Section 4. Nothing in sections 1 to 3 of the farmland protection act shall apply to any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county as the boundary of that city existed on January 1, 2000 nor to any sewer district established pursuant to article VI, section 30(a) of the Missouri constitution as the boundary of said sewer district existed on January 1, 2000."**

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 5, Section 26.700, Line 4 of said page, by inserting after all of said line the following:

**"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".**

**2. As used in sections 135.500 to 135.529, the following terms mean:**

**(1) "Affiliate of a certified company":**

**(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] ~~fifteen~~ percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;**

**(b) Any person [ten] ~~fifteen~~ percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;**

**(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;**

**(d) A partnership in which the Missouri certified capital company is a general partner;**

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business **or qualified Missouri agricultural business**", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business, **or in the case of certified capital raised after August 28, 2000, a qualified Missouri agricultural business**;

(13) **"Qualified Missouri agricultural business", any independently owned and operated business, which is headquartered and located in Missouri, and which is either:**

**(a) A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or**

**(b) Any business that is an eligible borrower as described pursuant to section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars.**

[(13)] **(14)** "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars. Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

[(14)] **(15)** "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; [and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section] **in calendar year 1998, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits; and for calendar year 2000, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits. Thereafter, the aggregate amount of earned and vested certified capital company credits that may be taken on an annual basis by all Missouri certified capital company investors shall not exceed an amount equal to ten percent of the cumulative credits earned in respect of certified capital invested in previous years. During any calendar year in which the limitation**

described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. [Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.] The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision [(13)] **(14)** of subsection 2 of section 135.500 means a Missouri business that is located in a distressed community as defined in section 135.530, and meets all of the requirements of subdivision [(13)] **(14)** of subsection 2 of section 135.500, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars. During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection [3] **4** of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

- (1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;
- (2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;
- (3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments **and in the case of any certified capital raised after August 28, 2000, at least twenty-five percent of which in terms of dollars shall be, or have been, placed in qualified investments in qualified Missouri agricultural businesses.** A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified

capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate, **including, subject to the approval of the department upon terms and conditions determined by it, investments with an investor of the Missouri certified capital company or an affiliate or subsidiary of such investor of the Missouri certified capital company which is providing a guarantee, indemnity, bond, insurance policy or other guaranteed payment undertaking in favor of the investors that have invested certified capital in the Missouri certified capital company and which is rated AA or better by Standard and Poor's Ratings Group or the equivalent by another nationally recognized agency.** The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments **and, with respect to qualified investments made with certified capital raised after August 28, 2000, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of



the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 10, Section 262.762, Line 16, by inserting after all of said line the following:

**"263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (*Dipsacus laciniatus*), common teasel (*Dipsacus fullonum*) and kudzu vine (*Pueraria lobata*) which are hereby designated as noxious and dangerous weeds to agriculture.";** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 10, Section 262.762, by inserting after Line 16 the following:

**"4. The provisions of Sections 262.750, 262.753, 262.756, 262.759 and 262.762 shall become effective on January 1, 2001."**

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

#### PRIVILEGED MOTIONS

Senator Scott moved that **SB 921**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Bland	Johnson	Quick	Rohrbach
Singleton--5			

Absent with leave--Senators--None

On motion of Senator Scott, **SB 921**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 858**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

## SENATE BILL NO. 858

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 858, with House Amendments Nos. 1 and 2, House Substitute Amendment No. 1 for House Amendment No. 3, Part 1 of House Amendment No. 4, Part 2 of House Amendment No. 4, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendments Nos. 11, 12, 13, 14 and 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 858, as amended;
2. That the Senate recede from its position on Senate Bill No. 858;
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 858, with Conference Committee Amendment No. 1, be adopted.

FOR THE SENATE:

/s/ Joe Maxwell  
/s/ Ed Quick  
/s/ Lacy Clay  
/s/ Larry Rohrbach  
/s/ Steve Ehlmann

FOR THE HOUSE:

/s/ Phil Smith  
/s/ Bill Skaggs  
/s/ Ralph Monaco  
Michael Gibbons  
/s/ Luann Ridgeway

### CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 858, Page 16, Section 610.027, Line 14 of said page, by inserting after the word "a" the word "**knowing**".

Senator Maxwell moved that the above conference committee report be adopted.

At the request of Senator Maxwell, the above motion was withdrawn.

### PRIVILEGED MOTIONS

Senator Quick moved that **SB 892**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **SB 892**, entitled:

### HOUSE SUBSTITUTE FOR

### SENATE BILL NO. 892

An Act to repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Quick moved that **HS** for **SB 892**, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley  
Childers

Bland  
Clay

Carter  
DePasco

Caskey  
Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Quick, **HS** for **SB 892**, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SS** for **SCS** for **SB 925**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SS** for **SCS** for **SB 925**, as amended, entitled:

HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 925

An Act to amend chapters 26 and 262, RSMo, by adding thereto ten new sections relating to agriculture, with an emergency clause for a certain section.

Was taken up.

Senator Caskey moved that **HS** for **HCS** for **SS** for **SCS** for **SB 925**, as amended, be adopted.

At the request of Senator Caskey, the above motion was withdrawn.

### CONFERENCE COMMITTEE REPORTS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HB 1238**, as amended, submitted the following report:

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 1238

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for House Substitute for House Bill No. 1238, with Senate Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 1238, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 1238;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1238, be adopted.

FOR THE SENATE:

/s/ Jim Mathewson  
/s/ Ed Quick  
/s/ Sidney Johnson  
/s/ Doyle Childers  
/s/ Walt Mueller

FOR THE HOUSE:

/s/ Thomas J. Hoppe  
/s/ Henry Rizzo  
/s/ Phil Smith  
/s/ Don Lograsso  
/s/ Judy Berkstresser

Senator Mathewson moved that the rules be suspended and that the conference committee report be adopted, **CCS** for **SCS** for **HS** for **HB 1238**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 1238

An Act to repeal sections 64.342, 67.1062, 67.1063, 71.014, 135.355, 140.160, 141.220, 141.540, 141.610 and 353.020,

RSMo 1994, sections 67.410, 67.1401, 67.1461, 72.424, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761, 249.470 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as they appear in RSMo Supp. 1999, relating to the use and improvement of property, and to enact in lieu thereof forty new sections relating to the same subject, with an emergency clause for certain sections and a termination date for a certain section.

Be read the 3rd time and finally passed and the emergency clause be adopted all in one vote, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Maxwell--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 1797**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1797

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 9 and Senate Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 3 and Senate Amendment No. 7;
2. That the House recede from its rejection of Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate

Amendment No. 6, Senate Amendment No. 9 and Senate Amendment No. 10;

3. That the Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 9 and Senate Amendment No. 10, and with attached Conference Committee Amendment No. 1, Conference Committee Amendment No. 2, Conference Committee Amendment No. 3 and Conference Committee Amendment No. 4, be adopted.

FOR THE SENATE:

/s/ Wayne Goode  
/s/ Ed Quick  
/s/ J. T. Howard  
/s/ Morris Westfall  
/s/ Franc Flotron

FOR THE HOUSE:

/s/ Bill Gratz  
/s/ Jim Kreider 142  
/s/ Chuck Graham  
/s/ Charles Nordwald  
/s/ Bill Tudor

## CONFERENCE COMMITTEE AMENDMENT

### NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 22, Section 303.406, Line 12 of said page, by inserting after the word "department" the following: **"and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo."**

## CONFERENCE COMMITTEE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

**"301.3051. 1. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) or any person living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.**

**3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.**

**4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.";** and

Further amend the title, enacting clause and intersectional references accordingly.

#### CONFERENCE COMMITTEE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, In the Title, Line 2, by deleting the word "and" and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting at the end of said line the following: "section 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and section 301.025, as enacted by the conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session,"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "and" and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 1, Section A, Line 3, by deleting all of said line and inserting in lieu thereof the following: "303.412, 303.415, RSMo Supp. 1999, section 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and section 301.025, as enacted by the conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, are repealed and thirteen new"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting at the beginning of said line the following: "301.025," and

Further amend said bill, Section A, Line 7, by inserting after all of said line the following:

"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first



classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. **If electronic data is not available, residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the

director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred

thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]; and

Further amend the title, enacting clause and intersectional references accordingly.

CONFERENCE COMMITTEE AMENDMENT

NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 22, Section 303.406, Line 13 of said page by deleting the words "[may] **shall**" and inserting in lieu thereof the word "may"; and

Further amend said bill, Page 22, Section 303.406, Line 14 of said page, by deleting the number "**2001**" and inserting in lieu thereof the number "**2002**"; and

Further amend said bill, Page 23, Section 303.406, Line 1 of said page, by deleting the number "2001" and inserting in lieu thereof the following: "[2001] **2002**"; and

Further amend said bill, Page 29, Section 303.412, Line 25 of said page, by deleting the number "**2002**" and inserting the number "**2003**"; and

Further amend said bill, Page 31, Section 303.415, Line 10 of said page, by deleting the number "**2001**" and inserting in lieu thereof the number "**2002**"; and

Further amend said bill, Page 31, Section 303.415, Line 11 of said page, by deleting the number "**2006**" and inserting in lieu thereof the number "**2007**"; and

Further amend said bill, Page 31, Section 303.415, Line 14 of said page, by deleting the number "2001" and inserting in lieu thereof the following: "[2001] **2002**"; and

Further amend said bill, Page 31, Section 303.415, Line 16 of said page, by deleting the number "**2006**" and inserting in lieu thereof the number "**2007**"; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Goode moved that the rules be suspended and that the conference committee report be adopted, **SS** for **HS** for **HCS** for **HB 1797**, as amended by the conference committee report, be read the 3rd time and finally passed all in one vote, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator House, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 813**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 813

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 813, with House Amendment Nos. 1, 3, 4, 5, 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 10 and House Amendment No. 10, as amended, House Amendment Nos. 11, 12 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 813, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 813;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Bill No. 813 be adopted.

FOR THE SENATE:

/s/ Ted House  
/s/ William Clay  
/s/ Stephen Stoll  
/s/ Sarah Steelman  
/s/ David J. Klarich

FOR THE HOUSE:

/s/ Don Kissell  
/s/ Phillip Britt  
/s/ Steve McLuckie  
/s/ Jon Dolan  
Rex Barnett

Senator House moved that the above conference committee report no. 2 be adopted.

At the request of Senator House, the above motion was withdrawn.

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 678** and **742**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2  
ON HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 678 and 742

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19, as amended, House Amendments Nos. 20, 21, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44 and 45; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742; and
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, with Conference Committee Amendment No. 1, be adopted.

FOR THE SENATE:

/s/ John Schneider  
/s/ Harry Wiggins  
/s/ William Clay  
/s/ Steve Ehlmann  
/s/ David J. Klarich

FOR THE HOUSE:

/s/ Brian May  
/s/ Ralph Monaco  
/s/ Robert M. Clayton III  
Mark Richardson  
/s/ Don Lograsso

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 6, Section 34.046, Line 20 of said page, by inserting after all of said line by the following:

"34.055. 1. Except as otherwise provided in section 34.057, all invoices for supplies and services purchased by the state, duly approved and processed, shall be subject to interest charges or late payment charges as provided in this section.

2. After the [forty-fifth] **sixtieth** day following the later of the date of delivery of the supplies and services or the date upon which the invoice is [duly approved and processed] **presented**, interest retroactive to the thirtieth day shall be paid on any unpaid balance, **provided that such payment is not legitimately disputed**,[, except balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills,] upon application of the vendor thereof. The rate of such interest shall be three percentage points above the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System. **The rate of interest paid on the undisputed, unpaid balance shall increase by two percent for each subsequent thirty-day period that the balance remains unpaid. In any case in which the state wrongfully contested payment without any reasonable dispute, the above rates of interest shall be trebled.**

3. **The interest and penalties authorized in subsection 2 of this section shall not apply to balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. Balances for such services shall be subject to the interest and penalties authorized pursuant to this subsection.** The state shall be liable for late payment charges on any delinquent bill for services purchased by the state from a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. The rate of such late payment charges shall be as established for each such corporation by order of the public service commission, but bills rendered to the state shall not be considered delinquent until thirty days after rendition of the bill by the corporation.

4. Any such interest charges or late payment charges shall be paid from appropriations which were made for the fiscal year in which the supplies or services were delivered to the respective departments purchasing such supplies or services. The commissioner of administration shall be responsible for the timely implementation of this section and all officers, departments, institutions and agencies of state government shall fully cooperate with the commissioner of administration in the implementation of this section. No late payment penalty shall be assessed against, nor payable by, the state unless pursuant to the provisions of this section.

5. Notwithstanding any other provision of this section, recipients of funds from the low-income energy assistance program shall be exempt from interest charges imposed by such section for the duration of the recipient's participation in the program."; and

Further amend said bill, Pages 41-42, Section 286.010, by striking all of said section; and

Further amend said bill, Pages 118-119, Section 512.180, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above conference committee report be adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SS** for **HS** for **HCS** for **HBs 1652** and **1433**, as amended, and requests a further conference on **SS** for **HS** for **HCS** for **HBs 1652** and **1433**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 683**, entitled:

An Act to repeal sections 303.044, 304.180 and 304.580, RSMo 1994, and sections 301.010, 302.178, 303.025,

303.026, 303.041, 303.042, 303.190, 303.406, 303.409, 303.412, 303.415, 304.001, 304.015, 304.170, 304.200, 307.173 and 307.375, RSMo Supp. 1999, relating to traffic regulations, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5 and 6.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 84, Section 2, Line 6, by inserting after said line the following:

**"Section 3. The department of transportation shall have the authority to designate the lanes in which all trucks weighing more than twelve tons, including cargo, in motion upon a highway having three or more lanes of traffic proceeding in the same direction shall be driven, except that such regulations shall not apply when such trucks are overtaken and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals."**

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 2, Section A, Line 1, by inserting after all of said line the following:

**"54.247. 1. Any city not within a county may, by ordinance, permit the city's treasurer's office to issue citations for violations of the city's moving traffic ordinances.";** and

Further amend title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 37, Section 303.406, Line 21, by striking the words "[may] **shall**" and inserting in lieu thereof the word "may"; and

Further amend said bill and section, Page 37, Line 22, by striking the number "**2001**" and inserting in lieu thereof the number "**2002**"; and

Further amend said bill, Section 303.406, Page 38, Line 10, by striking the number "2001" and inserting in lieu thereof the following: "[2001] **2002**"; and

Further amend said bill, Section 303.406, Page 37, Line 20, by inserting before the period "." on said line the following: **"and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo."**; and

Further amend said bill, Section 303.412, Page 45, Line 16 of said page, by striking the number "**2002**" and inserting in lieu thereof the number "**2003**"; and

Further amend said bill, Section 303.415, Page 47, Line 3, by striking the number "**2001**" and inserting in lieu thereof the number "**2002**"; and

Further amend said bill and section, Page 47, Line 4 of said page, by striking the number "**2006**" and inserting in lieu thereof the number "**2007**"; and

Further amend said bill and section, Page 47, Line 7 of said page, by striking the number "2001" and inserting in lieu

thereof the following: "[2001] **2002**"; and

Further amend said bill, section and page, Line 9 of said page, by striking the number "**2006**" and inserting in lieu thereof the number "**2007**".

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 55, Section 304.027, Line 3 of said page, by inserting after all of said line the following:

"304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his **or her** jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended [for more than forty-eight hours]; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow [under] **pursuant to** this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) [The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3)] The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency[, and ninety-six hours have elapsed since that notification].

5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to



tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue and shall contain the following:

- (1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;
- (2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The physical location of the property and the reason for requesting the property to be towed;
- (5) The date the report is completed;
- (6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;
- (7) The towing company's name and address;
- (8) The signature of the towing operator;
- (9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
- (10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and
- (11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the

department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.

**10. The provisions in this section shall only apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification.**

[304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

- (3) The license plate or registration number and the state of issuance, if available;
- (4) The physical location of the property and the reason for requesting the property to be towed;
- (5) The date the report is completed;
- (6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;
- (7) The towing company's name and address;
- (8) The signature of the towing operator;
- (9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.]" and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, pages 33 to 37, Section 303.190, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 16, Section 301.010, Line 10 of said page, by inserting after all of said line the following:

"301.457. Any person who served in the Vietnam conflict and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for special motor vehicle license plates, either solely or jointly, for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of [nine] **six** thousand one pounds to [twelve] **eighteen** thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in the Vietnam conflict and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "VIETNAM VETERAN" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the Vietnam service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.463. The children's trust fund board established in section 210.170, RSMo, may authorize the use of their logo to be incorporated on multiyear personalized license plates as provided in this section. The license plate shall contain an emblem designed by the board depicting two handprints of a child and the words "Children's Trust Fund" and the children's trust fund logo in preference to the words "SHOW-ME STATE". The license plates shall have a common background and shall bear as many letters and numbers as will fit on the plate without damaging the plate's aesthetic appearance, as determined by the director of revenue. Any vehicle owner may annually apply to the board **or director** for the use of the logo. Upon annual application and payment of a twenty-five dollar logo use contribution to the board, the board shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. **Application for use of the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the children's trust fund.** Upon presentation of the annual statement [and payment of the fee required for personalized license plates in section 301.144], **or upon application to the director for use of the logo with the twenty-five dollar contribution, and presentation of** other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate described in this section to the vehicle owner. **A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.** The license plate authorized by this section shall be issued with a design approved by both the board and the director of revenue. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. A vehicle owner, who was previously issued a plate with [an emblem] **a logo** authorized by this section and who does not provide [an emblem] **a logo** use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the [emblem] **logo**, as otherwise provided by law. Any contribution to the board derived from this section shall be deposited in the state treasury to the credit of the children's trust fund established in section 210.173, RSMo.

**301.3035. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Missouri Botanical Garden, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Missouri Botanical Garden hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Botanical Garden derived from this section, except reasonable administrative costs, shall be used solely**

for the purposes of the Missouri Botanical Garden. Any member of the Missouri Botanical Garden may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Missouri Botanical Garden, the Missouri Botanical Garden shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Missouri Botanical Garden. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

3. A vehicle owner who was previously issued a plate with the Missouri Botanical Garden's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Botanical Garden's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3037. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Missouri State Humane Association, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Missouri State Humane Association hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri State Humane Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri State Humane Association. Any member of the Missouri State Humane Association may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Missouri State Humane Association. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Missouri State Humane Association's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri State Humane Association's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3039. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Saint Louis Zoo, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Saint Louis Zoo hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Saint Louis Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Saint Louis Zoo. Any member of the Saint Louis Zoo may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Saint Louis Zoo, the Saint Louis Zoo shall issue to the vehicle owner, without further charge, a "logo use authorization statement",

which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Saint Louis Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Saint Louis Zoo's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Saint Louis Zoo's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

**301.3057. 1.** Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Kansas City Zoo, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Kansas City Zoo hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Kansas City Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Kansas City Zoo. Any member of the Kansas City Zoo may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Kansas City Zoo, the Kansas City Zoo shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Kansas City Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Kansas City Zoo's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Kansas City Zoo's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

**301.3059. 1.** Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Springfield Zoo, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Springfield Zoo hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Springfield Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Springfield Zoo. Any member of the Springfield Zoo may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Springfield Zoo, the Springfield Zoo shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Springfield Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

**3. A vehicle owner who was previously issued a plate with the Springfield Zoo's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Springfield Zoo's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."**; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 1082** and has again taken up and passed **SS** for **SCS** for **HB 1082**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 573**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 41**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 22**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SB 1053**, as amended, and has taken up and passed **CCS** for **HS** for **SB 1053**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SJR 50**, as amended, and has taken up and passed **SJR 50**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 540**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 896**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 896**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 894**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 894**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 788**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 788**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 741**, as amended, and has taken up and passed **HCS** for **SB 741**, as amended.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 763**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 763**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SB 902**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SB 902**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SS No. 3** for **SJR 35**.



Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 885**.

Bill ordered enrolled.

## **RESOLUTIONS**

Senator Caskey offered Senate Resolution No. 1845, regarding Eldon S. Miller, Belton, which was adopted.

Senator Bland offered Senate Resolution No. 1846, regarding the Emergency Mutual-Aid Rescue Squad, Jackson County, which was adopted.

Senator Staples offered Senate Resolution No. 1847, regarding Rachel Staples, Eminence, which was adopted.

Senator Kenney offered Senate Resolution No. 1848, regarding Marjorie Larson, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1849, regarding the Eightieth Birthday of Earl Beard, Overland Park, Kansas, which was adopted.

Senator Singleton offered Senate Resolution No. 1850, regarding Angie Jones, Joplin, which was adopted.

Senator DePasco offered Senate Resolution No. 1851, regarding the Phi Tau Omega Sorority, which was adopted.

Senator House offered Senate Resolution No. 1852, regarding College United Methodist Church, Warrenton, which was adopted.

Senator Bentley offered Senate Resolution No. 1853, regarding the death of William Michael Greene, Edmond, Oklahoma, which was adopted.

Senator Scott offered Senate Resolution No. 1854, regarding Joseph C. Gray, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1855, regarding Mr. Jim Goldammer, Jefferson City, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry Kennett, M.D., Columbia.

On motion of Senator DePasco, the Senate adjourned until 10:00 a.m., Thursday, May 18, 2000.

# Journal of the Senate

## SECOND REGULAR SESSION

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**SEVENTY-FOURTH DAY--THURSDAY, MAY 18, 2000**

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The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

### RESOLUTIONS

On behalf of Senator Maxwell, Senator Quick offered Senate Resolution No. 1856, regarding Elizabeth Usher, Warrensburg, which was adopted.

On behalf of Senator Maxwell, Senator Quick offered Senate Resolution No. 1857, regarding the Monroe City R-1 High School Lady Panthers 2A State Champion Basketball Team, which was adopted.

On behalf of Senator Ehlmann, Senator Quick offered Senate Resolution No. 1858, regarding Neil Kessler, which was adopted.

On behalf of Senator Mueller, Senator Quick offered Senate Resolution No. 1859, regarding the Centennial Anniversary of the United States Navy Submarine Service, which was adopted.

On behalf of Senator Rohrbach, Senator Quick offered Senate Resolution No. 1860, regarding Carole J. Evans, Holts Summit, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 1861, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cassius VanSandt, Adrian, which was adopted.

On behalf of Senator Staples, Senator Quick offered Senate Resolution No. 1862, regarding the One Hundred Sixth Birthday of Daisy Denny, DeSoto, which was adopted.

On behalf of Senator Rohrbach, Senator Quick offered Senate Resolution No. 1863, regarding Mark M. Moore, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 1864, regarding Adam Joseph Nichols, Kansas City, which was adopted.

On behalf of Senator Steelman, Senator Quick offered Senate Resolution No. 1865, regarding Jeannie Beasley, Crawford County, which was adopted.

On behalf of Senator Sims, Senator Quick offered Senate Resolution No. 1866, regarding Barth Holohan, St. Louis, which was adopted.

On behalf of Senator Mathewson, Senator Quick offered Senate Resolution No. 1867, regarding Jay Wilson, Warrensburg, which was adopted.

On behalf of Senator Bland, Senator Quick offered Senate Resolution No. 1868, regarding Lucille E. Denmon, Jackson County, which was adopted.

On behalf of Senator Westfall, Senator Quick offered Senate Resolution No. 1869, regarding Sharon Westfall,

Halfway, which was adopted.

On behalf of Senator Mueller, Senator Quick offered Senate Resolution No. 1870, regarding the Brentwood School District, which was adopted.

On behalf of Senator Mathewson, Senator Quick offered Senate Resolution No. 1871, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Ripley, LaMonte, which was adopted.

On behalf of Senator Wiggins, Senator Quick offered Senate Resolution No. 1872, regarding Kevin Harmon, Cincinnati, Ohio, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1873, regarding Jessica Spalding, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1874, regarding Paige Catherine Winfield, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1875, regarding Patricia Smoot, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1876, regarding Nancy Garza, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1877, regarding the Writers' Challenge Literary Association, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1878, regarding the St. Charles County Youth Orchestra, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1879, regarding the Patt Holt Singers, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1880, regarding Dee Miller, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1881, regarding Tom Engle, St. Charles, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1882, regarding Renaissance St. Louis, Inc., which was adopted.

On behalf of Senator Singleton, Senator Quick offered Senate Resolution No. 1883, regarding the Community Clinic, Joplin, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Quick submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS for SB 540; HS for HCS for SCS for SB 542; SCS for SB 557; SB 573; HCS for SS for SCS for SB 577; HCS for SCS for SB 719; HCS for SCS for SB 721; HS for HCS for SB 724; HS for HCS for SS No. 2 for SCS for SBs 757 and 602; CCS for HCS for SS for SCS for SB 763; CCS for HS for HCS for SB 788; SB 810; HS for SS for SCS for SBs 867 and 552; CCS for HS for HCS for SB 881; SS for SCS for SB 885; HS for SB 892; CCS for HS for HCS for SS for SB 902; SB 921; CCS No. 2 for HCS for SB 944; CCS for HS for SB 961; SRB 1001; SRB 1002; CCS for HS for SB 1053; CCS for HCS for SS for SS No. 3 for SJR 35; and SJR 50**, begs leave to report that it has examined the same and

finds that the bills and joint resolutions have been duly enrolled and that the printed copies furnished the Senators are correct.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SCS for SB 540; HS for HCS for SCS for SB 542; SCS for SB 557; SB 573; HCS for SS for SCS for SB 577; HCS for SCS for SB 719; HCS for SCS for SB 721; HS for HCS for SB 724; HS for HCS for SS No. 2 for SCS for SBs 757 and 602; CCS for HCS for SS for SCS for SB 763; CCS for HS for HCS for SB 788; SB 810; HS for SS for SCS for SBs 867 and 552; CCS for HS for HCS for SB 881; SS for SCS for SB 885; HS for SB 892; CCS for HS for HCS for SS for SB 902; SB 921; CCS No. 2 for HCS for SB 944; CCS for HS for SB 961; SRB 1001; SRB 1002; CCS for HS for SB 1053; CCS for HCS for SS for SS No. 3 for SJR 35; and SJR 50**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolutions would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolutions were so read by the Secretary and signed by the President Pro Tem.

### **BILLS DELIVERED TO THE GOVERNOR**

**SCS for SB 540; HS for HCS for SCS for SB 542; SCS for SB 557; SB 573; HCS for SS for SCS for SB 577; HCS for SCS for SB 719; HCS for SCS for SB 721; HS for HCS for SB 724; HS for HCS for SS No. 2 for SCS for SBs 757 and 602; CCS for HCS for SS for SCS for SB 763; CCS for HS for HCS for SB 788; SB 810; HS for SS for SCS for SBs 867 and 552; CCS for HS for HCS for SB 881; SS for SCS for SB 885; HS for SB 892; CCS for HS for HCS for SS for SB 902; SB 921; CCS No. 2 for HCS for SB 944; CCS for HS for SB 961; SRB 1001; SRB 1002; and CCS for HS for SB 1053**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **BILLS DELIVERED TO THE**

#### **SECRETARY OF STATE**

**CCS for HCS for SS for SS No. 3 for SJR 35; and SJR 50**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Secretary of State by the Secretary of the Senate.

### **SIGNING OF CONCURRENT**

#### **RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **HCR 10 and HCR 22** would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HB 1077; SS for**

**SCS for HB 1082; HB 1085; SCS for HB 1097; SCS for HCS for HB 1101; CCS for HB 1102; CCS for HB 1103; CCS for HB 1104; CCS for HB 1105; CCS for HB 1106; CCS for HB 1107; CCS for HB 1108; CCS for HB 1109; CCS No. 2 for HB 1110; CCS for HB 1111; CCS for HB 1112; SCS for HCS for HB 1113; CCS for HB 1120; SCS for HB 1121; SCS for HB 1122; CCS for SCS for HCS for HB 1142; SCS for HB 1185; HB 1186; CCS for SCS for HS for HB 1238; HB 1284; HB 1289; HB 1321; HB 1353; HB 1363; HB 1376; HCS for HBs 1386 and 1086; SCS for HB 1396; HB 1428; HCS for HB 1434; SS for SCS for HB 1452; SCS for HB 1454; HB 1486; HB 1509; HB**

**1544; SCS for HB 1568; SCS for HB 1591; HB 1596; SCS for HB 1604; SCS for HB 1631; HB 1647; SCS for HB 1659; SCS for HS for HCS for HBs 1677, 1675 and 1676; SCS for HB 1739; CCS for SCS for HS for HCS for HB 1742; SS for HS for HCS for HB 1797; HB 1802; CCS for SS for SCS for HB 1808; CCS for SCS for HB 1848; CCS for SCS for HB 1948; and HCS for HB 1967**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Quick, the Senate adjourned until 11:00 a.m., Wednesday, May 24, 2000.

# Journal of the Senate

SECOND REGULAR SESSION

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**SEVENTY-FIFTH DAY--WEDNESDAY, MAY 24, 2000**

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The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

## **RESOLUTIONS**

On behalf of Senator Kenney, Senator DePasco offered Senate Resolution No. 1884, regarding Matthew A. Steiner, Blue Springs, which was adopted.

On behalf of Senator Steelman, Senator DePasco offered Senate Resolution No. 1885, regarding Colonel Edward A. Owsley, Rolla, which was adopted.

On behalf of Senator Clay, Senator DePasco offered Senate Resolution No. 1886, regarding Nettie Cunningham, St. Louis, which was adopted.

On behalf of Senator Clay, Senator DePasco offered Senate Resolution No. 1887, regarding Myrtle B. Officer, St. Louis, which was adopted.

On behalf of Senator Clay, Senator DePasco offered Senate Resolution No. 1888, regarding Suvee Evelyn Graham Smith, St. Louis, which was adopted.

On behalf of Senator Flotron, Senator DePasco offered Senate Resolution No. 1889, regarding Mary Ellen Takach, St. Louis, which was adopted.

On behalf of Senator Caskey, Senator DePasco offered Senate Resolution No. 1890, regarding Brent Andrew Lange, Knob Noster, which was adopted.

On behalf of Senator Ehlmann, Senator DePasco offered Senate Resolution No. 1891, regarding Larry Edward Burgess, St. Louis, which was adopted.

On behalf of Senators Ehlmann and House, Senator DePasco offered Senate Resolution No. 1892, regarding Bob Sfreddo, St. Charles County, which was adopted.

On behalf of Senator Bland, Senator DePasco offered Senate Resolution No. 1893, regarding the Reverend Michael Christopher Phillips, Kansas City, which was adopted.

On behalf of Senator Stoll, Senator DePasco offered Senate Resolution No. 1894, regarding Ryan Broeckmann, which was adopted.

On behalf of Senator Caskey, Senator DePasco offered Senate Resolution No. 1895, regarding Edwin L. Childers, Warrensburg, which was adopted.

On behalf of Senator Ehlmann, Senator DePasco offered Senate Resolution No. 1896, regarding Steve Adkisson, St. Charles, which was adopted.

On behalf of Senator Singleton, Senator DePasco offered Senate Resolution No. 1897, regarding W. Hugh Ramsay, D.O., Neosho, which was adopted.

On behalf of Senator Rohrbach, Senator DePasco offered Senate Resolution No. 1898, regarding Cadet Luke Frank, West Point, New York, which was adopted.

On behalf of Senator Ehlmann, Senator DePasco offered Senate Resolution No. 1899, regarding Janet Watkins, St. Peters, which was adopted.

On behalf of Senator Wiggins, Senator DePasco offered Senate Resolution No. 1900, regarding the death of Atwell Loomis Bohling, Jr., Kansas City, which was adopted.

On behalf of Senator Caskey, Senator DePasco offered Senate Resolution No. 1901, regarding the One Hundredth Birthday of Nancy Alice Shifflett Kampe, Clinton, which was adopted.

On behalf of Senator Singleton, Senator DePasco offered Senate Resolution No. 1902, regarding Lou Floyd, Carthage, which was adopted.

On behalf of Senator Caskey, Senator DePasco offered Senate Resolution No. 1903, regarding Tom and Colleen Farrington, Hume, which was adopted.

On behalf of Senator Ehlmann, Senator DePasco offered Senate Resolution No. 1904, regarding the Francis Howell High School Vikings State Champion Volleyball Team, which was adopted.

On behalf of Senator Mathewson, Senator DePasco offered Senate Resolution No. 1905, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Harlan, Sedalia, which was adopted.

On behalf of Senator Klarich, Senator DePasco offered Senate Resolution No. 1906, regarding the Eureka Fire Protection District, which was adopted.

On behalf of Senator Stoll, Senator DePasco offered Senate Resolution No. 1907, regarding Sherri Katherine Talbott, House Springs, which was adopted.

On behalf of Senator Flotron, Senator DePasco offered Senate Resolution No. 1908, regarding the First Baptist Church of Harvester, which was adopted.

On behalf of Senator Caskey, Senator DePasco offered Senate Resolution No. 1909, regarding Jesse Howell, Cleveland, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **HCS** for **SB 741**; **CCS** for **HS** for **HCS** for **SCS** for **SB 894**; and **CCS** for **HS** for **HCS** for **SB 896**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 741**; **CCS** for **HS** for **HCS** for **SCS** for **SB 894**; and **CCS** for **HS** for **HCS** for **SB 896**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

### **BILLS DELIVERED TO THE GOVERNOR**

**HCS for SB 741; CCS for HS for HCS for SCS for SB 894; and CCS for HS for HCS for SB 896**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **SCR 29; HS for HCS for SCR 37; and SCR 38**, would be read at length by the Secretary, and if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

### **CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR**

**SCR 29; HS for HCS for SCR 37; and SCR 38**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **COMMUNICATIONS**

President Pro Tem Quick submitted the following:

April 13, 2000

Honorable Ed Quick

President Pro Tem

Missouri Senate

Jefferson City, MO 65101

Dear Ed:

Please accept this letter as my official resignation as a member of the Senate Appropriations Committee, effective May 12, 2000.

Sincerely,

/s/ Danny

Danny Staples

State Senator

20th District

Also,

May 22, 2000

Senator Steve Stoll

State Capitol, Room 429

Jefferson City, MO 65101

Dear Senator Stoll:

It is my pleasure to appoint you as a member of the Senate



Appropriations committee effective immediately. Your appointment fills the vacancy on the Committee which was created by the resignation of Senator Danny Staples.

Your willingness to serve the people of Missouri on this important Committee is much appreciated.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Edward E. Quick

Edward E. Quick

President Pro Tem

Missouri Senate

On motion of Senator DePasco, the Senate adjourned sine die, pursuant to the Constitution.

ROGER B. WILSON

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

**Journal of the Senate**  
**NINETIETH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**SECOND REGULAR SESSION**

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**VETO SESSION**

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**FIRST DAY--WEDNESDAY, SEPTEMBER 13, 2000**

The Senate was called to order in Veto Session by President Wilson.

The Reverend Carl Gauck offered the following prayer:

Isaac Watts wrote this familiar hymn verse: "Oh, that the Lord would guide my ways To keep his statutes still! Oh, that my God would grant me grace To know and do his will."

Gracious God, we come to this chamber of responsibilities, some from rest and re-creation, some from heavy campaign duties, some from the daily work of serving the people of this state, but all thankful for the summertime we have embraced. It is here we seek Your guidance as we fulfill the obligation before us during this Veto Session. Grant us grace to know and do Your will in the votes that we must cast so we might be faithful to You and the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

**COMMUNICATIONS FROM THE GOVERNOR**

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 2000

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552 entitled:

AN ACT

To repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof five new sections relating to the same subject.

I disapprove of House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552. My reasons for disapproval are as follows:

As we do each year, my staff and I examine the budgetary ramifications of the legislation being passed by the General Assembly. This year we have been particularly dedicated to scrutinizing legislation, as the state's budget is tighter than it has been in many years.

Over the past three sessions, I have supported and signed broad-based tax cuts totaling over \$650 million annually. This does not include various tax credits for economic development and other purposes. In 1996, the General Assembly passed and I signed a piece of legislation that provided \$100 million in tax credits over a ten-year period. These credits go to insurance companies who invest in start-up companies through Certified Capital Companies Program, popularly known as "CapCo". In 1998, the General Assembly passed \$40 million in additional CapCo tax credits. These credits were to benefit start-up companies in Missouri's distressed communities.

As of this time, it appears the CapCos have done a good job of investing in start-up companies and have met all of the investment targets outlined in the legislation.

However, this session my message and that of my staff was clear: tax credit bills that presented the state with a substantial fiscal impact with no corresponding legislative offset risked being vetoed.

House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552, hereinafter referred to as SB 867, require the state to invest, through tax credits, \$50 million dollars for start-up businesses through what is known as the Certified Capital Companies program, or CapCo.

Most importantly, in this year of increased fiscal constraint, the tax credits passed in this legislation have no offset. Although incentives to benefit small businesses are extremely important to me, this legislation, because of its cost, has put me in an extremely difficult position.

As the previously discussed legislation I have supported and signed indicates, I have proposed and been supportive of a number of programs to help small businesses obtain capital in Missouri.

Small businesses are vitally important to our economy, and the CapCo program has been extremely helpful in assisting a number of Missouri small businesses. Unfortunately, because of the bill's failure to include the necessary offsets, I cannot in good conscience sign this SB 867.

For all of the above stated reasons for disapproval, I am returning House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 2000

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Substitute for Senate Bill 892 entitled:

AN ACT

To repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

I disapprove of House Substitute for Senate Bill 892. My reasons for disapproval are as follows:

It will require payment of medical expenses that may already be covered by an existing statutory per diem. Given the fact the current per diem is not fully funded and the mandatory nature of this legislation, it is reasonable to believe future appropriations would not be available to fund the per diem program at its current rate.

Our administration has doubled the amount of actual reimbursement to counties for individuals incarcerated. The state reimbursement rate has not yet reached the cap on the per diem rate permitted to be paid to the counties. The following chart demonstrates the fact that we have doubled the actual amount paid to the counties pursuant to the per diem since 1993:

<u>Year/ Fiscal Year</u>	<u>Legislation/ Appropriation</u>	<u>Actual Amount Paid</u>	<u>Current Per Diem</u>	<u>Increase/ Change to Per</u>
2001		\$30,700,000**	\$22.50	\$37.50
2000		\$30,100,000*	\$22.50	\$37.50
1999		\$29,717,236	\$22.00	\$37.50
1998		\$25,002,497	\$22.00	\$37.50
1997		\$20,473,037	\$20.00	\$37.50
1996	SB 781 (Banks)	\$23,286,906	\$17.00	\$37.50
1995	HB 424 (Banks)	\$13,878,980	\$17.00	\$20.00
1994		\$12,837,552	\$14.00	\$17.00
1995	HB 424 (Banks)	\$13,878,980	\$17.00	\$20.00
1994		\$12,837,552	\$14.00	\$17.00
1993		\$15,585,490	\$14.00	\$17.00

\* Projected

\*\* Budgeted

House Substitute for Senate Bill No. 892 requires payment of *actual, reasonable and necessary* medical expenses of prisoners held in county jail when the state is liable found to be liable for court costs in their cases. This is basically all felony cases. The county commission decides what are "*reasonable and necessary*" medical expenses.

These medical costs must be paid in addition to the statutory per diem. This mandatory funding could put the General Assembly in the position of reducing the per diem rate to cover the costs of medical expenses. This would result in what we believe would be an inequitable reimbursement rate to the counties.

For all of the above stated reasons for disapproval, I am returning House Substitute for Senate Bill No. 892 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 2000

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 921 entitled:

AN ACT

To repeal section 334.128, RSMo 1994, and section 334.120, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof two new sections relating to the same subject.

I disapprove of Senate Bill No. 921. My reasons for disapproval are as follows:

While the bill offers greater protection to Missouri's health care consumers by allowing physician's health programs to provide information about impaired practitioners to the Board of Healing Arts without threat of civil action and clarifies ambiguous language concerning the composition of the State Board of Registration for the Healing Arts, we are concerned that the language granting immunity to those who provide the board with information about impaired practitioners is so ambiguous that it may unintentionally give the impaired practitioners immunity for all acts committed while impaired.

This would not protect Missouri health care consumers from impaired physicians. This was not the intention of those working on the bill. I believe this was a drafting error and urge the legislators to revisit the legislation and correct the ambiguity in the language.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 921 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

**RESOLUTIONS**

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninetieth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninetieth General Assembly.

Senator Russell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 3

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize the meritorious achievements of an outstanding Missouri citizen who has distinguished himself through excellence in athletics; and

WHEREAS, Mark McBride of Lebanon, Missouri, recently took First Place during the Missouri Golf Association's 93rd Missouri Amateur Golf Championship held in June, 2000, at the Oakwood Country Club in Kansas City; and

WHEREAS, in the thirty-six hole Final Match, Mark McBride gave his many fans good reason to cheer as he won two and one; and

WHEREAS, a three-time All-State High School Finalist, Mark McBride won several Junior Golf Tournaments during his high school career including the Mid-Missouri Golf Championship in 1996, 1997, and 1998; the SMSU Golf Relays in Springfield in 1997 and 1998; and the Pepsi Cola Junior Masters in Quincy, Illinois, in 1997; and

WHEREAS, the son of proud and loving parents Tim and Kathy McBride of Lebanon, Mark McBride could not have attained such phenomenal success without the encouragement and support he has received from high school coach Sharon LeFors and college coach Tim Robyn, both of whom have continually instilled within him the desire to realize his full potential; and

WHEREAS, Mark McBride attends the University of Missouri-Columbia where he is an exemplary student who excels in his studies while achieving tremendous success as an invaluable member of the golf team; and

WHEREAS, it is entirely fitting and proper that this legis-lative body should pay tribute to Mark McBride, a promising athlete of great talent and skill whose contributions to the game of golf will continue to serve him well;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most sincere congratulations to Mark McBride at this proud moment of well-deserved distinction, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mark McBride.

Senator Ehlmann offered the following resolution, which was read and referred to the Committee on Rules, Joint Rules and Resolutions:

#### SENATE RESOLUTION NO. 4

WHEREAS, Missouri Gaming Commission rules forbid private communication with casino representatives about gambling matters; and

WHEREAS, Station Casinos Inc. paid \$500,000 in bonuses to a private attorney for lobbying the Missouri Gaming Commission; and

WHEREAS, that private attorney has testified that he had certain communications with a former Chairman of the Missouri Gaming Commission; and

WHEREAS, the former chairman denies any impropriety; and

WHEREAS, the Missouri Gaming Commission issued subpoenas by facsimile to seven Station Casino officials to appear before the Commission and respond to inquiries concerning the above activities; and

WHEREAS, seven Station Casino officials refused to honor Gaming Commission subpoenas to testify at the hearing investigating the alleged violations; and

WHEREAS, the Gaming Commission has taken no action to have a circuit judge enforce the subpoena; and

WHEREAS, the public wants to know what the executives knew about the relationship between the private attorney and former chairman and why Station Casino Inc. paid a \$500,000 bonus:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby urge the Missouri Gaming Commission to seek immediate enforcement of the subpoenas by a circuit judge and reconvene the hearing at the earliest possible time to obtain the testimony of the seven Station Casino Inc. executives; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Gaming Commission.

Senator Ehlmann offered the following resolution, which was read and referred to the Committee on Rules, Joint Rules and Resolutions:

#### SENATE RESOLUTION NO. 5

WHEREAS, Station Casinos Inc. paid \$500,000 in bonuses to a private attorney presumably as a reward for successfully lobbying the Missouri Gaming Commission; and

WHEREAS, it has also been reported that Station Casinos Inc. paid \$15,000 bonus to at least one Jefferson City lobbyist presumably as a reward for successfully lobbying the Missouri General Assembly; and

WHEREAS, State Regulation 11 CSR 45-10.010 empowers the Missouri Gaming Commission to collect any information it requests from a licensee:

*"(1) All licensees shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven days or less if the commission so orders.":*

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby urge the Missouri Gaming Commission to require all casinos to report the amount of money they have spent on lobbying before the Gaming Commission and the General Assembly and to identify the lobbyist to whom the money was paid and the amount paid to each lobbyist, and further that said information be available for public inspection; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Gaming Commission.

On behalf of Senators DePasco, Caskey, Mathewson and himself, Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 6

WHEREAS, the members of the Missouri Senate were truly saddened by the death of former United States Representative William J. Randall of Independence, Missouri, on July 7, 2000, at the age of ninety; and

WHEREAS, born on July 16, 1909, in Independence, William Randall graduated from the University of Missouri and the Kansas City University School of Law before beginning his legal practice in Jackson County; and

WHEREAS, William Randall proudly and courageously served in the Pacific Theater for nearly three years during World War II; and

WHEREAS, the Honorable William Randall served as a judge of the Jackson County Court from 1947 until his election to Congress in 1959; and

WHEREAS, representing Missouri's Fourth District as a lifelong Democrat, Representative William Randall became a high-ranking member of the House Armed Services Committee and was the first chairman of the House Select Committee on Aging in addition to his heartfelt duty to serve his constituents from eastern Jackson County and parts of western and central Missouri; and

WHEREAS, known as a hard worker who earned remarkably comfortable reelection margins, the Honorable William Randall retired from office in 1977, after which he worked as a Washington-based lobbyist for four years; and

WHEREAS, William Randall returned to Independence in 1981 to practice law and to engage in diverse Masonic endeavors; and

WHEREAS, preceded in death by his beloved wife, Margaret, who passed away in 1986, the late William Randall is survived by his daughter, Mary Pat Wilson, two grandsons, and a great-granddaughter;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to pay tribute to the full life of the late William Randall and to convey to his many friends, colleagues, and family members this legislative body's sincerest expression of condolences at his passage from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late former United States Representative, William J. Randall, of Independence, Missouri.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 7

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Vernon Jefferson Debo, who passed to his eternal reward on July 6, 2000; and

WHEREAS, Vernon Debo had played Santa Claus each Christmas for nearly sixty years as part of his longtime advocacy for the mentally disabled, which he took to the opening day of the Missouri General Assembly for fifty-nine consecutive years; and

WHEREAS, it was in the halls of the Missouri State Capitol that Vernon Debo met with Governor Mel Carnahan and continually urged lawmakers to increase funding for the Missouri Department of Mental Health; and

WHEREAS, a former traveling salesman who never took pay for his lobbying efforts, Vernon Debo became interested in issues regarding mental retardation in 1940 after his son, Tommy, suffered from brain damage during birth; and

WHEREAS, Vernon Debo assisted other parents in the establishment of the Missouri Association for Retarded Citizens in the early 1950s when few programs existed for adults with mental retardation; and

WHEREAS, Vernon Debo and members of the Missouri Association for Retarded Citizens pushed for sheltered workshops and taxes to pay for those programs and over the years worked together in order to create housing, recreational facilities, skills training, and respite care; and

WHEREAS, a tireless advocate who was both proud and pleased to improve the quality of other people's lives, Vernon Debo greatly enjoyed playing Santa Claus and the smiles he brought to the faces of residents in the communities of Marshall, Higginsville, Liberty, and Kansas City, including those at Immacolata Manor, a Liberty home for mentally disabled women, where he visited just last December:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to mental health advocate Vernon Debo, a remarkable man of peace and kindness in this world who will be greatly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Vernon Jefferson Debo, as an expression of our deepest sympathy.

Senator Wiggins offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 8

WHEREAS, members of the Missouri Senate have been pleased to learn that on Sunday July 30, 2000, David Ryffe, of Kansas City, celebrated the Fiftieth Anniversary of the journey which brought him from his birthplace in Biel, Switzerland, to the United States of America; and

WHEREAS, David Ryffe settled in Kansas City, Missouri, where he and his wonderful wife, Mary Jo, gave to the world a wonderful family and together enriched the lives of all their neighbors and friends whose roads of life crossed theirs, and

WHEREAS, David Ryffe became a famous Chef and Kansas City's most sought after culinary expert; and

WHEREAS, David and Mary Jo have donated much of their time to their beloved church St. Elizabeth Parish where David for many years has been St. Elizabeth's most dependable Lay Communion Minister and volunteer; and

WHEREAS, David Ryffe is both a friend, neighbor and fellow parishioner of our colleague, the current Senator from the 10th District, Senator Harry Wiggins, who has been one of David Ryffe's most ardent and outspoken admirers, and who is anxious to honor his old friend on this auspicious occasion by this Resolution which will be recorded in the annals of the Missouri Senate and our history of the State of Missouri;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute David Ryffe on the occasion of his 50th anniversary of his journey from Biel, Switzerland, to Kansas City, Missouri where he has contributed immeasurably to the lives of his friends and fellow citizens express their appreciation and gratitude for his sharing his life and talents with Kansas City, and the United States of America, which he fondly calls the "Land of Opportunity", and extend to David, Mary Jo, and their family very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. David Ryffe and Father Robert Gregory, Pastor of St. Elizabeth Church, Kansas City.

Senator Wiggins offered Senate Resolution No. 9, regarding the death of Paul L. Wilbert, Pittsburg, Kansas, which was adopted.

Senator DePasco moved that the Senate proceed to the order of business, vetoed bills, and that the calendar be called, which motion prevailed.



**HS** for **SS** for **SCS** for **SBs 867** and **552** was called thereafter and no action was taken thereon.

**HS** for **SB 892** was called thereafter and no action was taken thereon.

**SB 921** was called thereafter and no action was taken thereon.

## **RESOLUTIONS**

Senator DePasco offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 10**

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552; House Substitute for Senate Bill No. 892 and Senate Bill No. 921 when the bills were so called by the President.

Senator Russell offered Senate Resolution No. 11, regarding Sergeant Gerald W. Pender, Marshfield, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator DePasco introduced to the Senate, former State Senator Jack Gant and former State Senator Mary Gant, Jackson County.

Senator Caskey introduced to the Senate, former State Senator Bill Cason and his wife, Lois, Clinton.

Senator Russell introduced to the Senate, former State Senator James Noland, Camdenton.

Senator Quick introduced to the Senate, former State Senator Phil Snowden, Gladstone.

Senator Johnson introduced to the Senate, former State Senator John Downs and his wife, Donna, St. Joseph.

Senator Mueller introduced to the Senate, his wife, Diane, St. Louis; and former State Senator Al Mueller, Jefferson City.

Senator Graves introduced to the Senate, former State Senator and Mrs. Hardin Cox, Rock Port.

Senator Clay introduced to the Senate, former State Senator J.B. "Jet" Banks and his wife, Anita, St. Louis.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler, St. Louis.

The President introduced to the Senate, former Lieutenant Governor Bill Phelps.

Senator Ehlmann introduced to the Senate, his wife, Jean; his parents Beulah and Erich Ehlmann; and Dan and Vicky Huesemann, St. Charles.

Senator Kenney introduced to the Senate, his wife, Sandi, Lee's Summit.

Senator Maxwell introduced to the Senate, Les Peters, Marion County.

On motion of Senator DePasco, the Senate adjourned under the rules.

# Journal of the Senate

SECOND REGULAR SESSION

VETO SESSION

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**SECOND DAY--THURSDAY, SEPTEMBER 14, 2000**

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The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

The Book of Genesis tells us that the Lord God said: "Know that I am with you and will keep you wherever you go." (Genesis 28:15)

Gracious God, we are thankful for this still moment with You and reminding us that You are our God, our Emmanuel, God with us. Continue to guide us through the remaining hours of this session and watch our "going out and coming in" as we head home to be with those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press and the Senate were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Clay	Johnson	Scott--3	
The Lieutenant Governor was present.			

## RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 12, regarding Joann Leykam, St. Charles County, which was adopted.

Senators Caskey and Wiggins offered Senate Resolution No. 13, regarding Webster University in Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 14, regarding John T. Zulpo, Jr., Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 15, regarding Head Volleyball Coach Jo Ellen Stringer of Jefferson College, Hillsboro, which was adopted.

Senator DePasco offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 16

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred twenty-five (\$825.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2000 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

#### HOUSE RESOLUTION NO. 3

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **HB 1103**, **CCS** for **HB 1106**, **CCS** for **HB 1109**, **CCS No. 2** for **HB 1110**, **CCS** for **HB 1111**, **CCS** for **HB 1120**, **SCS** for **HB 1396** and **HB 1596** when the bills were called by the Speaker.

### RESOLUTIONS

Senator Ehlmann offered the following resolution:

#### SENATE RESOLUTION NO. 17

WHEREAS, Missouri Gaming Commission rules forbid private communication with casino representatives about gambling matters; and

WHEREAS, Station Casinos Inc. paid \$500,000 in bonuses to a private attorney for lobbying the Missouri Gaming Commission; and

WHEREAS, that private attorney has testified that he had certain communications with a former Chairman of the Missouri Gaming Commission; and

WHEREAS, the former chairman denies any impropriety; and

WHEREAS, the Missouri Gaming Commission issued subpoenas by facsimile to seven Station Casino officials to appear before the Commission

and respond to inquiries concerning the above activities; and

WHEREAS, seven Station Casino officials refused to honor Gaming Commission subpoenas to testify at the hearing investigating the alleged violations; and

WHEREAS, the Gaming Commission has taken no action to have a circuit judge enforce the subpoena; and

WHEREAS, the public wants to know what the executives knew about the relationship between the private attorney and former chairman and why Station Casino Inc. paid a \$500,000 bonus:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby urge the Missouri Gaming Commission to seek immediate enforcement of the subpoenas by a circuit judge and reconvene the hearing at the earliest possible time to obtain the testimony of the seven Station Casino Inc. executives; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Gaming Commission.

Senator Ehlmann moved that the above resolution be adopted.

Senator DePasco raised the point of order that **SR 17** is out of order under the provisions of Article III, Section 32 of the Constitution.

At the request of Senator DePasco, the point of order was withdrawn.

At the request of Senator Ehlmann, **SR 17** was withdrawn.

### INTRODUCTION OF GUESTS

The President introduced to the Senate, Alan Kelly, Cindy Kadlec and Vanessa Caleb.

On motion of Senator DePasco, the Senate adjourned sine die pursuant to the Constitution.

ROGER B. WILSON

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate